E/CN.6/2000/SW/COMM.LIST/34
25 January 2000
ENGLISH
ORIGINAL: ARABIC/ENGLISH/
FRENCH/SPANISH

COMMUNICATIONS CONCERNING THE STATUS OF WOMEN

Confidential list of communications concerning the status of women*

Note by the Secretary-General

The present document contains a confidential list of communications concerning the status of women, submitted in accordance with the Economic and Social Council resolution 76 (V) of 5 August 1947, as amended by Council resolutions 304 I (XI) of 14 and 17 July 1950 and 1983/27 of 26 May 1983.

* All persons handling this document are requested to respect its confidential nature.

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I. INTRODUCTION

1. The Secretary-General has the honour to present a confidential list of communications* concerning the status of women, submitted in accordance with Economic and Social Council resolution 76 (V) of 5 August 1947, as amended by Council resolutions 304 I (XI) of 14 and 17 July 1950 and 1983/27 of 26 May 1983.

2. The list conveys the substance of communications concerning the status of women received by the Division for the Advancement of Women of the Department of Economic and Social Affairs during the period from 1 January to 30 November 1999, and of the communications extracted from confidential lists of communications concerning human rights relevant to women, received from the Office of the United Nations High Commissioner for Human Rights during the period from January to October 1999.

3. In the selection of communications, the views expressed by the Working Group on Communications of the Commission on the Status of Women, which were endorsed by the Commission at its thirtieth session, have been taken into account. The communications that refer specifically to women have been included in the list. The communications are presented alphabetically by order of receipt. Each communication is preceded by the name of the country concerned. In accordance with the provisions of the Economic and Social Council resolution 304 I (XI), subparagraph (e), copies of communications concerning the status of women that refer to States Members of the United Nations or to territories under its jurisdiction have been sent to the Government concerned. An asterisk (*) at the end of the communication indicates that the Government concerned has issued a reply. These replies are compiled in annexes I and II of this report.

4. In accordance with the provisions of Council resolution 76 (V), as amended by Council resolution 304 I (XI), the names of the authors of the communications are not disclosed.

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* The designations employed and the presentation of material in this list of communications do not imply the expression of any opinion whatsoever on the part of the Secretariat concerning the legal status of any country or territory or of its authorities, or concerning the delimitation of its frontiers.

II. SUMMARY OF CONFIDENTIAL COMMUNICATIONS CONCERNING THE STATUS OF WOMEN

A. Communications concerning the status of women received by the Division for the Advancement of Women of the United Nations Secretariat

5. The following communications have been received by the Division for the Advancement of Women of the United Nations Secretariat from January to November 1999.

1. AFGHANISTAN

Three hundred and fifty communications received in January through November 1999, from the Feminist Majority Foundation: Stop Gender Apartheid in Afghanistan, including 202 petitions bearing 2,420 signatures of individuals from Canada, Finland and United States of America, deplored gender apartheid in Afghanistan by the Taliban and expressed concern about the denial of basic human rights of women and girls. The authors alleged that in Afghanistan women and girls are prohibited from working, attending school or leaving their homes without being accompanied by a male relative. Allegedly, women have been shot for leaving their homes to seek medical care. As a result of the restrictions on working, it is alleged that women have become destitute, relying on the sole support of their families. Reportedly, in public, women must be covered from head to toe in a "burqua", with only a mesh opening to see through, and the windows of women's homes must be painted so that they may not be seen. Reference is made to a report that the State Orphanage in Kabul has not allowed girls outside of the building since 1996. The authors demand that the Taliban not be recognized as the legitimate

government of Afghanistan. Until women's rights are restored, they assert that countries that support the Taliban should be pressured to stop, and that no corporation should conduct business with the Taliban. United Nations intercession is sought in order to restore women's rights to work, education, health care and freedom of movement.

2. AFGHANISTAN

Fifty similar undated communications have been received from individuals expressing grave concern about the plight of women and girls in Afghanistan. The authors alleged that the Taliban militia group, which control 90 per cent of Afghanistan, has prohibited women from working outside their homes. The authors also called an end to the beatings, torture and murder of women and girls. United Nations intercession is sought in this connection to do everything in its power to stop gender apartheid and to restore the human rights of women and girls in Afghanistan.

3. AFGHANISTAN

Communication received in March 1999, signed by 450 students at Bryn Mawr College in the United States, expressed concern about women and girls in Afghanistan. The authors alleged that under the Taliban's barbaric rule, girls and women cannot attend school, hold a job, receive medical care or leave their homes without a close male relative. It is further alleged that tens of thousands of Afghan families have become destitute as a result of Taliban rule. United Nations intercession is sought in using social and economic pressures to persuade the Taliban to change their ways. Also, the United Nations is requested to refuse to recognize the Taliban as the legal government or to offer them membership to the United Nations until the civil rights of women and girls are restored in full.

4. AFGHANISTAN

Six communications received in March 1999, from individuals expressed concern for the plight of women in Afghanistan, especially their loss of freedom. These communications urged the United Nations and the United States to do everything in their power to restore the human rights of women and girls. In particular, the authors suggested an executive order implementing an economic moratorium limiting business investment in Afghanistan. United Nations intercession is sought in this regard.

5. AFGHANISTAN

Communication dated 6 January 1999, from the National Association of Afghan Women (NAAW), for defence of women's rights in Afghanistan, requested that the United Nations take truly constructive steps to defend the rights of Afghan women inside the country. The authors alleged that unless the socio-economic environment and the local conditions in which Afghan women live improve, the rights of women in Afghanistan will remain mere talk and will have no real meaning on their actual lives. United Nations intercession is sought to ensure that the women in Afghanistan receive the support they need, such as food, heat, medicine and clothing.

6. AFGHANISTAN

Twelve communications received in May through July 1999, from individuals, including petitions signed by 350 people in Australia, Austria, Canada, Chile, Finland, Germany, Greece, Hong Kong, Italy, Mexico, Singapore, South Africa, Sweden, the Netherlands, United Kingdom of Great Britain and Northern Ireland and United States of America, expressed concern that Afghanistan is waging a war against women. It is alleged that women have been stoned and beaten to death for not wearing the right clothing, that women are becoming severely depressed and suicidal, and that medical facilities for women and girls are

almost non-existent. United Nations intercession is sought to address these issues of gender apartheid and to declare this negation of human rights for women in Afghanistan unacceptable.

7. AFGHANISTAN

Ten communications received in September 1999, signed by 115 individuals, expressed concern about the takeover of Afghanistan by the Taliban militia group and the resulting gender apartheid. It was alleged that women are banned from working and attending school, and are forced to be covered from head to toe in a "burqua". It was further alleged that girls in the State Orphanage in Kabul have not been allowed outside since 1996, and that women have been shot for leaving their homes to seek medical care. United Nations intercession is sought to restore women's human rights to work, education, health care and freedom of movement in Afghanistan. Countries that support the Taliban militia should be pressured to withdraw their support and no corporation should be allowed to conduct business with the Taliban until women's human rights are restored.

8. AFGHANISTAN

Nineteen communications received in April 1999, from individuals expressed grave concern about the plight of Afghanistan women and girls, who are being deprived of their basic human rights under barbaric laws. Women no longer have the right to work or to enter a public area without a male relative and have thus been forced into dependency. United Nations intercession is sought in liberating the women of Afghanistan from this reign of misogynistic terror by urging all governments to unite in their refusal to recognize the Taliban as the legitimate government of Afghanistan.

9. AFGHANISTAN

Fifteen communications received in October 1999, from individuals expressing concern about the plight of women and girls in Afghanistan, alleged that the Taliban controls 90 per cent of Afghanistan and has prohibited women from working outside the home and from attending school. Further, it was alleged that women are forced to cover their bodies completely with a "burqua", including a mesh covering for their eyes, and are not allowed to leave their homes without the presence of a close male relative. United Nations intercession is sought to stop gender apartheid and to restore the human rights of women and girls in Afghanistan.

10. AFGHANISTAN

Twenty communications received between March and October 1999, expressed concerns about the violations of human rights of women and the laws that are being enforced in Afghanistan. One author alleged that a woman was stoned to death for accidentally showing a small portion of her arm while driving. Women are not allowed to leave their house without a male relative. It was reported that a woman who tried to leave the country, with a man who was not a relative, was killed. The authors claimed that all rights have been taken away from the people. Not only women are in danger, but also men, especially those with long hair. Some men have been pulled from buses and beaten in public while having their hair forcibly cut. Another author alleged that the laws created by the Taliban government are causing an increase in depression amongst women, with suicide rates rising. Innocent people are murdered every day. The authors alleged that women are being driven from their jobs and that girls are banned from attending school. Government decrees are issued to require households with women to paint their windows black, so that women cannot be seen, and women are forced to cover themselves from head to toe in oppressive garments. Professional women

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such as professors, translators, doctors, lawyers, artists and writers cannot work. They are forced to remain at home living in fear for their lives at the slightest "mistakes". United Nations intercession is sought in this connection.

11. AFGHANISTAN

Ten communications received in October and November 1999, from individuals and organizations, including the Providence United Presbyterian Church, in United States of America, with 16 signatures, expressed concerns about the human rights of women in Afghanistan. The authors alleged that women are barred from working, receiving education and medical care, and live in fear for their lives. United Nations intercession is requested to use its influence to change Taliban policies and to protect human rights, especially those of women, in Afghanistan.

12. GERMANY

Communication dated 21 July 1999, from an individual asylum seeker in the United States, alleged that she and her three children were subjected to constant discrimination against those perceived as foreigners from developing countries. They allegedly experienced racism, violence, human rights violations, assaults and death threats. The author claimed that she was forced to see a psychiatrist against her will by German government officials, including the police. The author also alleged that she and her three children were physically abused and abandoned by her ex-husband, a German citizen. She claimed that criminal charges of fraud were fabricated against her in retaliation for her complaints. She reported that she and her three children were sent to three different refugee camps, which represent the lowest social level in German society. She also claimed that she and her three children were unable to get protection or help from authorities, or access to German law enforcement, in gaining physical protection and financial support from her ex-husband. She alleged that she was

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treated as a refugee rather than as a citizen, as the ex-wife of a German citizen and the mother of three children born in Germany. United Nations intercession is sought in this connection.*

13. INDONESIA

Communication received from Amnesty International in September 1999, alleged that women, among others, have been subjected to a systematic campaign of threats and intimidation by pro-integration militias with the active support of Indonesian police and military forces. The author alleged that a woman who fled to West Timor described how she was hunted down from Dili to Kupang, but managed to escape. United Nations intercession is sought to ensure that Indonesia co-operates fully with the United Nations mandated international force and respects the human rights of all East Timorese.

14. ISRAEL

Communication dated 10 April 1999, received from the World Organization Against Torture (OMCT), expressed concern about four women, Mrs. Fatmeh Abdel Nabi, Mrs. Evon Souidi, Mrs. Samira Sharif El Din and Mrs. Al-Abdeh Kassem Malkani, who are being held in detention at the Khiam Detention Centre in South Lebanon and in the Ramla Detention Centre in Israel. It was alleged that on 2 April 1998, Mrs. Fatmeh Abdel, while shopping, was arrested and taken to the Khiam Detention Centre by Israeli forces. It was also reported that the reason for her imprisonment by Israeli authorities was that she had a mobile telephone in her home that the authorities believed she was using to provide information on the movement of Israeli forces. However, according to the report by local NGOs, she was detained mainly to put pressure on her previously detained husband. United Nations intercession is sought in this connection, in particular to obtain the release of the four women.

15. JAPAN

Communication dated 16 March 1999, from the New York Coalition on "Comfort Women" Issues, enclosing eighteen petitions bearing the signatures of approximately 230 individuals, expressed concern about the lack of any positive measures undertaken by the Japanese Government in response to the recommendations made by the two United Nations Special Rapporteurs, Ms. Coomaraswamy and Ms. McDougall. The Special Rapporteurs have recommended that the Japanese Government accept legal responsibility for the Korean "Comfort Women" victims of World War II, and pay compensation to them in a timely manner. United Nations intercession is sought in this connection.*

16. MYANMAR

Communication dated 8 May 1999, from an individual, requested that the Special Advisor to the Secretary General on Gender Issues and Advancement of Women and the Special Rapporteur on Violence against Women, examine the situation of women's rights in Myanmar. The author further requested that provisions of humanitarian assistance be given to women and children refugees and internally displaced children in border camps. The author also stressed that assistance inside Myanmar must be carefully managed so that it is independent from the military regime. United Nations intercession is sought in this connection, particularly in urging the military regime to cut back the military budget and to increase the humanitarian expenditure in its request for aid from the international community.*

17. NIGERIA

Communication dated 6 May 1999, received from an individual, on behalf of families, expressed concern about Mrs. Philomena Izekov, who has been unlawfully detained for almost eighteen months on a trumped up murder charge. The author alleged that on 19 March 1999, the Presiding Judge of the Honorable Court of

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Edo State in Nigeria issued an order for the immediate release of Mrs. Philomena Izekov, but that the Attorney General of Edo State refused to implement the court order because the family failed to pay a bribe of five hundred thousand Nigerian NAIRA to the Director of Public Prosecutions of Edo State. The author also claimed that the police are in a conspiracy with the Attorney General, seeking to fabricate a false autopsy report to implicate Mrs. Philomena Izekov in a trumped up murder charge. The author further alleged that there are several thousand other Nigerians and foreigners who are unlawfully detained in various prisons throughout the Federal Republic of Nigeria. United Nations intercession is sought in this connection, in particular to obtain the release of Mrs. Philomena Izekov.

18. **SUDAN**

Communication dated 17 March 1999, from the Greek Women's Organizations, expressed solidarity with the women of Sudan. It is alleged that Sudanese women face the most cruel regime and that thousands of women have been dismissed from their jobs and forced to wear the "tchador" as a national outfit. It is further alleged that during the peaceful march of 8 March 1999, celebrating International Women's Day, security forces attacked, arrested, imprisoned and tortured women participants. The author alleged that after a brief trial these women were sentenced to 40 - 60 lashings and that some of them were taken to hospital. United Nations intercession is sought in this connection.*

19. **TURKEY**

Communication dated 5 October 1999, from International Women's Union, expressed concern about the action taken by the Turkish authorities denying Ms. Merve Kavakci, Member of Parliament, her human rights to dress in the manner of her choice. The author condemned this alleged grave violation of the rights of the properly elected member of the Turkish parliament. The

author called upon democratic nations and NGOs all over the world, and United Nations agencies, including the Division for the Advancement of Women and the Commission on Human Rights and all concerned parties, to intervene with the Government of Turkey to stop this appalling violation of the human rights of women in Turkey. United Nations intercession is sought in this connection.*

20. TURKEY

Communication dated 30 June 1999, from the Islamic Humanitarian Service and the United Muslim Women in Canada, expressed concern about Ms. Huda Kaya, her daughters and some fifty others who face exe ution for asking for their rights to education and liberty at a demonstration in Malatya, Turkey. It is alleged that detainees as young as 15 years old are charged with treason and face execution. United Nations intercession is sought in this connection to urgently request that the Government of Turkey ensure the unconditional release of those prisoners.*

21. TURKEY

Communication dated 5 May 1999, from the United Associations for Studies and Research Inc., expressed concern about a Turkish woman named Ms. Merve Kavakci, an elected Virtue Party deputy of the Turkish Government. The author alleged that Ms. Kavakci was jailed because she came to be sworn into office wearing a scarf that covered her hair. It was also stated that the wearing of the scarf or "hijab" is a religious ritual enjoined on Muslim women through various injunctions found in the Holy Qur'an. The author alleged that the question of Muslim women's dress, and of human rights and religious rights in this regard, must be resolved. United Nations intercession is sought in this connection.*

22. UNITED STATES OF AMERICA

Communication dated 31 August 1999, from an individual, expressed concern about the treatment of women prisoners

and the horrible conditions which exist in Mountain View Women's prison in Gateville, Texas in the United States. The author alleged that women in the above-mentioned prison have complained about what is called "death row". The author also stated that the Texas judicial system must eliminate the day to day practice of molestation of the women in Gatesville. The author further alleged that not only the eight women on "death row" experience abuse, but that all prisoners suffer indignities. United Nations intercession is sought in this connection.

23. UNITED STATES OF AMERICA

Communication dated 16 August 1999, received from an individual, expressed concern about his wife, Ms. June McKeon, who was subject to discrimination and retaliation at her workplace, Mercy Health Care Sacramento. The author alleged that the Supreme Court of California decision of 9 November 1998, in favour of the hospital, found that "California law did not apply to Ms. McKeon because the hospital claimed to be 'religious' ". The author also claimed that the California Supreme Court did not impel the California Department of Employment and state and federal agencies that fund health care to force hospitals to protect the rights of women in the workplace. United Nations intercession is sought in this connection.

24. YUGOSLAVIA

Communications dated 14 July 1999, received from the Women Dressed in Black of Valencia, bearing the signature of approximately 141 individuals, supported the refugee women of Kosovo, as well as women who have worked with courage in Serbia for human rights and peace, and against war and militarism. The authors alleged that many people from Kosovo were taken prisoner by Serbia while they were fleeing from Kosovo. They also claimed that thousands of political prisoners have been transferred from Kosovo to Serbian prisons, and that there is little

information about the situation. It is alleged that amongst them is Dr. Flora Brovina, who was arrested on 22 April 1999, put in jail in Lipljan and then transferred to Pozarevac Prison in Serbia. She has not been legally charged and her imprisonment is not generally known. It has been reported that Dr. Brovina has been ill and in need of medical attention. United Nations intercession is sought for the safe return of all refugees in Kosovo and for the safeguarding of all Serb citizens whose lives are being threatened.

25. **ZIMBABWE**

Communication dated 15 April 1999, received from an individual, expressed concern about the action of the Zimbabwe Supreme Court, which has overruled or challenged almost every law related to women's rights. The author stated that while people must respect the value of other cultures, there are certain inalienable rights guaranteed under the United Nations Charter and the "unwritten charter of mankind" that must be respected as well. The author also alleged that the denial of these fundamental rights should bring condemnation from all freedom-loving people wherever they may reside. Any discrimination based on race, religion, gender, ethnicity, age or sexual preference cannot be tolerated. United Nations intercession is sought in this matter.

B. COMMUNICATIONS CONCERNING THE STATUS OF WOMEN EXTRACTED FROM THE CONFIDENTIAL LISTS OF COMMUNICATIONS CONCERNING HUMAN RIGHTS RECEIVED BY THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

6. The following communications have been received from the Office of the United Nations High Commissioner for Human Rights.

E/CN.4/CCR.99/1

99/1/23,225
AFGHANISTAN 1482
Arts.2,23,25,26

Two hundred and three similar communications received in January 1999, from individuals in Canada, France, Switzerland and the United States of America, expressed grave concern about the alleged plight of women and girls in Afghanistan under the Taliban and mentioned in particular that they have been denied the rights to employment and education, and equal access to health care. It is further alleged that women are obliged to wear all-concealing clothes and are not allowed to leave their homes without a close male relative. Beatings, torture and even death are said to be the punishments for violating these draconian decrees. United Nations intercession is sought in order to ensure that the rights of women and girls in Afghanistan are restored and that international humanitarian aid is made accessible to them without discrimination.

E/CN.4/CCR.99/3

99/3/8,120-12,395
AFGHANISTAN 1548
Arts.2,5,23,25,26

Four thousand two hundred and seventy-six similar communications, including 29 petitions bearing approximately 1,600 signatures, received in February and March 1999, from

individuals and organizations in Australia, Canada, France, Germany, Portugal, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America, expressed grave concern about the alleged plight of women and girls in Afghanistan under the Taliban and mentioned in particular that they have been denied the rights to employment and education, and equal access to health care. It is further alleged that women are obliged to wear all-concealing clothes and are not allowed to leave their homes without a close male relative. Beatings, torture and even death are said to be the punishments for violating these draconian decrees. United Nations intercession is sought in order to ensure that the rights of women and girls in Afghanistan are restored and that international humanitarian aid is made accessible to them without discrimination.

E/CN.4/CCR.99/4

99/4/13,779-14,314
AFGHANISTAN 1629
Arts.2,5,23,25,26

Five hundred and thirty-six similar communications received in April 1999, from individuals in Canada, France, Japan, South Africa, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, protested against alleged human rights violations committed by the Taliban against the women in Afghanistan. It is said that under Taliban law, women have been forbidden to work outside the home, prohibited from attending schools and universities, forced to wear all-concealing clothing, prohibited from leaving their homes unless accompanied by a close male relative and restricted in access to health care as a result of a prohibition on being examined by male doctors. Allegedly, the consequences for women of violating these reported extreme restrictions can be death, brutality, destitution and virtual imprisonment in their own homes. United Nations intercession is sought in order to put an end to gender discrimination in Afghanistan.

99/6/25,423-25,684
AFGHANISTAN 1696
Arts. 2,3,5,23,26

Two hundred and sixty-two similar communications, including 12 petitions bearing approximately 600 signatures, received in May and June 1999, from individuals and organizations in Andorra, Canada, Finland, Germany, Portugal, Switzerland and the United States of America, expressed grave concern over alleged human rights violations committed by the Taliban against the women of Afghanistan. It is said that under Taliban law, women have been forbidden to work outside the home, prohibited from attending school, forced to wear all-concealing clothing and prohibited from leaving their homes unless accompanied by a close male relative. Beatings, torture and death are allegedly the punishments for violating these decrees. United Nations intercession is sought in order to put an end to gender discrimination in Afghanistan and to restore the human rights of women and girls in that country.

E/CN.4/CCR.99/9

99/9/37,723-38,054
AFGHANISTAN 1801
Arts. 2,5,23,25,26

Three hundred and thirty-two similar communications, including 140 petitions bearing approximately 9,000 signatures, received between July and September 1999, from individuals and organizations in Austria, Belgium, Canada, Finland, France, Germany, Greece, Italy, Namibia, Netherlands, New Zealand, the Philippines, South Africa, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zimbabwe, expressed grave concern over alleged human rights violations committed by the Taliban against the women of Afghanistan. It is said that under the repressive Taliban regime, women have been denied medical care, education and the right to work, forced to wear all-concealing clothing and prohibited from

being in public unless accompanied by a male relative. Beatings and being sprayed with acid are allegedly the punishments for showing an ankle or hand, and stoning is said to be the punishment for a pregnancy resulting from rape or for being outside of the home with anyone other than a male relative. United Nations intercession is sought in order to restore the basic human rights of women in Afghanistan.

E/CN.4/CCR.99/10

99/10/40,714-42,686
AFGHANISTAN 1834
Arts.2,5,23,25,26

One thousand nine hundred and seventy-three similar communications, including 31 petitions bearing approximately 1,000 signatures, received in October 1999, from individuals and organizations in Australia, Belgium, Bosnia and Herzegovina, Burkina Faso, Burundi, Canada, Egypt, France, Ireland, Italy, the Philippines, Sudan, Switzerland, Trinidad and Tobago, Tunisia, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America, alleged that the human rights situation of women and girls in Afghanistan under the Taliban is intolerable and that they have been segregated under the law and stripped of their basic human rights. It is said that they have been denied the rights to employment and education, and equal access to health care. It is further alleged that women are obliged to wear all-concealing clothes and are not allowed to speak in public. United Nations intercession is sought in order to ensure that the rights of women and girls in Afghanistan are upheld and that international humanitarian aid is made accessible to them without discrimination.

99/7/33,394
BANGLADESH 1718
Arts.3,5,8

Communication postmarked 16 May 1999, from Ms. Yeasim Sultana, of Bangladesh, alleged that she was raped by a Member of Parliament (a name is given) in Bangladesh some three years ago. The writer further alleged that her efforts to seek justice, including her attempts to register the case with the police, have been to no avail. Additionally, Ms.Yeasmin Sultana claimed that she and her family were been threatened by the alleged perpetrator and some of his associates following a parliamentary debate on the incident on 8 March 1998. United Nations intercession is sought in order to guarantee the personal security of Ms. Yeasmin Sultana.

E/CN.4/CCR.99/8

99/8/34,360
BANGLADESH 1747
Arts. 3,5,7,9,17,21

Communications dated 28 July 1999, from individuals in the United Kingdom of Great Britain and Northern Ireland, supplemented information previously submitted (see item 98/10/60,697) about the human rights situation of the Juma indigenous people in the Chittagong Hill Tracts (CHT), Bangladesh. The writer expressed concern about several outstanding issues relating to the Peace Accord between the Government of Bangladesh and the Jana Samhati Samiti (JSS), reportedly the political wing of the tribal insurgents, the Shanti Banhini. The Juma people are said to have continued to be subject to atrocities, including arbitrary killing, arbitrary detention, torture and rape at the hands of the security forces or Muslim settlers. A number of incidents are described, including the reported molestation, on 4 April 1999, of Ms. Lila Dewan at the Baghaihat Bazaar by a Muslim tailor (name is given); allegedly the security forces reacted by blaming the alleged victim and attacking the

Jumas who protested, injuring 46 persons (several names are given). United Nations intercession is sought in this connection.

E/CN.4/CCR.99/10

99/10/40,700
BANGLADESH 1810
Arts. 3,7,17,18,23,25

Communications dated 7 September 1999, from the Bangladesh Hindu Bauddha Christian Unity Council, an organization in the United Kingdom of Great Britain and Northern Ireland, drew attention to alleged atrocities and injustice committed against the Hindu, Buddhist and Christian minorities by successive governments in Bangladesh and by Muslim fundamentalists in the country. It is alleged that persons affiliated with faiths other than Islam (the State religion) have been relegated to second class citizens, under the 1975 amendment to the Constitution of 1972, that Islamic fundamentalists have been encouraged to persecute and intimidate persons of other faiths, and that pressure has been applied to those persons to convert to Islam. The persons concerned are said to have been subjected to the following human rights violations: abductions, rape of young women; lack of personal security; attack and vandalism of temples and churches; and discrimination in employment, education and recruitment into the civil service (religious minorities comprise only 2 per cent of the civil service, although they reportedly make up 20 per cent of the population in Bangladesh). In another incident, a 40 year-old woman (name is given) is said to have died three days after being severely beaten by persons who attempted to rape her 16 year-old daughter and her daughter-in-law. The husband of the deceased reportedly registered a case against the perpetrators with the police, but no action is said to have been taken, owing to the intervention of the chairman of a local union. An appeal is made for the re-establishment of secularism. And for the government of Bangladesh to stop Islamic fundamentalists from continuously

harassing, intimidating and attacking the persons, property and places of worship of religious minorities. The Government is also requested to enact laws according to which action, activities or language causing offence or disturbing peace and harmony on religious or ethnic grounds would be considered a criminal offence and severely punished. United Nations intercession is sought in this connection.

E/CN.4/CCR.99/1

99/1/12
BRAZIL 1473
Arts. 3,10

Communication faxed on 10 December 1998, received from Ms. Sonia Boguzinskas, a Brazilian national, who for the past six years, is said to have run a care institution, "Projeto Viver", aimed at providing a home to HIV-positive children, alleged that in 1997 she began to be subjected to unfounded accusations (two court actions) of child mistreatment and uncleanliness, with the purpose of damaging her and the institution's reputation. The writer further alleged that despite numerous witnesses testifying to her capacity to look after the children and a letter from an organization that sets guidelines for child protection praising the institution, it was closed and the children removed about one year ago. In addition, the writer is said to have received a death threat. Ms. Sonia Boguzinskas requests the United Nations to urge Brazilian authorities to investigate fully the accusations against her in order to be in a position to certify that the work of her institution is in accordance with all the regulations.*

E/CN.4/CCR.99/8

99/8/34,369
BRAZIL 1726
Arts. 3, 5

Communications dated 15 August 1999, from an individual in Brazil, alleged daily human rights violations at the hands of federal police as well as military and armed forces violations against citizens in Brazil. It is reported that in the city of Marcionilio Souza, State of Bahia, military police resort to physical assault and mental abuse of citizens on a daily basis, firing gunshots in public places against defenceless people, including women and children. Mistreatment and abuse of power by military police is also said to occur daily in a number of areas, most of which goes unreported (names of victims are given). It is alleged that the occurrence of human rights violations is concomitant with the deployment of the military police in the areas. Efforts by the inhabitants of Marcionilio Souza to redress the situation with the city authorities reportedly failed. United Nations intercession is sought in this connection.

E/CN.4/CCR.99/9

99/9/37,699
BULGARIA 1788
Arts.19

Communications received in July 1999, from the Committee to Protect Journalists, an organization in the United States of America, drew attention to reported vicious assaults on Ms. Anna Zarkova and Mr. Alexi Lazarov, two journalists in Bulgaria, which are said to have fostered a climate of fear and to have violated international norms of press freedom in the country. It is reported that Ms. Anna Zarkova was threatened because of her coverage of organized crime and political corruption and was subsequently attacked by a group of unknown assailants who threw acid on her on 11 May 1998; this case reportedly remains unresolved. On 28 June 1999, Mr. Alexi Lazarov, a reporter for

Kapital, an independent news weekly, is said to have been attacked outside his home by three unidentified assailants armed with knives and clubs, following the publication in *Kapital* of a number of articles that were critical of a government official (details are given). An appeal is made for full investigations into those responsible and for the responsible parties to be brought to justice. United Nations intercession is sought in this connection.

E/CN.4/CCR.99/2

99/2/6 457
CAPE VERDE 1485
Arts. 2,3,5,19

Communication dated 14 July 1998, from Mr. Odmir Muhammad, of Toronto, Canada, complained about human rights violations in Cape Verde, namely corruption during elections (money offered to voters in exchange for their support), lack of freedom of speech and of the press, acts of violence and racial discrimination against Africans, discrimination based on social status and race within the health-care system and discrimination against women. The author attached a statement by Dominique (last name unknown), a French female reported to be prisoner on San Vicente Island, concerning harsh prison conditions. The prisoner alleged that no counselling is offered to young inmates, no activities are assigned to the prisoners, and there have been cases of aggression against women by mentally disturbed inmates who are also held within that same facility. The prisoner further alleged that women are discriminated against by prison guards who lack proper training, and are locked up for 22 hours at a time under very harsh conditions including: poor ventilation in overcrowded and confined spaces; very poor hygiene; lack of medical assistance at night and difficult or no access to medication; frequent abuse of command by prison guards, particularly against women; and drug and alcohol abuse. United Nations intercession is sought in this connection.

E/CN.4/CCR.99/8

99/8/34,362
CHILE 1731
Arts.3,5,8,9

Communications received in July 1999, from Mr. Arnaud Fuentes, an individual in France, alleged that the survival of the Mapuche Indigenous community in Chile continues to be threatened daily, as a result of repressive measures by the local authorities. Attached to the communication is a testimony by the author who reportedly lived among the Mapuche for one and a half months in the context of a research project on the expropriation of Mapuche land. On 19 February 1999, in Temulemu, at 6.30 a.m., seven people from the community (including the author and four minors) are said to have been arrested by special police forces, handcuffed and detained on their knees inside a bus. The conditions of dentention were reportedly degrading. Insults and racial slurs were made against the detainees. Protests by the community led to a confrontation with the security forces. About 200 men armed with rifles reportedly harassed and mistreated people in their homes. Women were also allegedly subjected to physical abuse, including Ms. Maria Ana Camilla, a Mapuche spiritual guide. All efforts to redress the situation by the Mapuche community have failed. United Nations intercession is sought in this connection.

E/CN.4/CCR.99/1

99/1/6
CHINA 1463
Arts. 9,19,20

Communication dated 5 November 1998, from the Alliance for Democracy in China, an organization in the United States, was written on behalf of Chinese human rights activists. Specifically, it is alleged that, in Qingdao, in the province of Shandong, Mr. Chen Zengxiang was condemned to seven years in

prison for attempting to prepare a list of political prisoners. Also in Shandong, numerous individuals suspected of being involved in establishing a new party, the Democratic Party of China, are said to have been arrested, including Mr. Xie Wanjun, who has been sentenced. It is stated that his wife was expelled from her work and home and she is currently living in the streets. It is also reported that the authorities cut access to the humanitarian aid sent from abroad by relatives of Ms. Ding Zilin, mother of the one of the victims of Tian An Men, and others in her situation, and she is now penniless and no longer able to communicate with international organizations. United Nations intercession is sought in this connection.*

E/CN.4/CCR.99/10

99/10/40,711
CHINA 1809
Arts. 7,10, 11

Communications dated 4 October 1999, from an individual in Hong Kong, were written on behalf of Ms. Maria Remedios B. Coady, a Philippine national who is reportedly currently incarcerated at Tai Lam Centre for Women in Hong Kong, serving a sentence of life imprisonment for a murder committed in December 1997. It is alleged that Ms. Maria Remedios B. Coady's conviction on a charge of murder by a jury of seven individuals, on 2 March 1999, was a travesty of justice because, *inter-alia*, evidence of two expert witnesses for the prosecution was given undue prominence, and evidence essential to the defence case was given an inadequate review by the trial judge. The trial judge is also said to have erred in law and in practice by failing to direct the jury to the effect that there was sufficient evidence to raise a *prima facie* case of self-defence and that the jury could acquit Ms. Maria Remedios B. Coady of murder if it found that the prosecutor had failed to disprove self-defence when directing the jury. It is further alleged that the request of several

of the jurors to be excused from jury duty because of their lack of mastery of the English language (the language in which the trial was conducted) was unfairly denied. Moreover, it is claimed that Ms. Maria Remedios B. Coady's health is said to be deteriorating rapidly (paralysis in some parts of her body and a tumour in her brain). United Nations intercession is sought in this connection.

E/CN.4/CCR.99/9

99/9/37,689
EGYPT 1791
Arts.2,3,9,12,18,19

Communication postmarked 15 June 1999, from the American Coptic Association of Christians in Egypt, an organization in the United States of America, was written on behalf of Coptic Christians in Egypt, alleging human rights violations, including murder, destruction of property and churches, and kidnapping, of girls in particular. A press release from the same organization is attached to the communication for reference. Hate campaigns aimed at persecuting and terrorizing this community are said to be orchestrated by Islamic militants and Egyptian government officials. The kidnapping and rape of Christian girls, under the age of marriage by Islamic militants in collaboration with security officials, is said to be a regular occurrence. In each such case, the parents of the kidnapped girls are said to be called into the police station, whereby they are reportedly threatened, tortured and subsequently forced to sign statements giving up their daughters to the kidnappers. The girls are said to be kept at police stations and then handed over to the kidnappers for prostitution and concubinage. United Nations intercession is sought in this connection.

99/2/6, 468
ETHIOPIA 1503
Arts. 5,8,9

Communication dated 16 December 1998, from Redness, an organization in the United Kingdom of Great Britain and Northern Ireland, was written on behalf of Ms. Svetlana Mamedova, an Ethiopian national of Georgian origin, who is said to have been arbitrarily detained, tortured and ill-treated on three separate occasions for extended periods between November 1991 and June 1997. She is said to have been deported thereafter to the United Kingdom of Great Britain and Northern Ireland. It is said that at the time of the political transition in Ethiopia in 1990 and 1991, Ms. Mamedova purchased property from the Soviet Military Mission in Ethiopia as it was leaving the country, but found that her property had been confiscated and that she was viewed by the new government as a spy. During her detentions (details are given), repeated attempts are said to have been made to deport her, and her Ethiopian citizenship was reportedly disputed. During each period of detention, Ms. Mamedova was allegedly tortured and ill-treated (severe beatings, death threats, her arms and legs were reportedly bound with plastic wire for several days at a time and on one occasion a hot iron rod is said to have been used to torture her during interrogation). Further, the conditions of detention are said to have been harsh. She was allegedly either kept in overcrowded cells or in isolation in a small dark cell with extremely limited access to sanitary facilities and denied medical treatment for long periods. It is further alleged that Ms. Mamedova was never given an opportunity to register a formal complaint, and that she was denied access to a lawyer and to her family for long periods during her detention. United Nations intercession is sought in order to obtain appropriate reparation, including an apology, restitution, rehabilitation and compensation, for Ms. Svetlana Mamedova.*

E/CN.4/CCR.99/2

99/2/6,481
ETHIOPIA 1493
Arts. 9,17

Communication dated 3 February 1999, from the Base Union of Truck Drivers and Assistants, Eritrea, alleged that Eritrean nationals and Ethiopians of Eritrean origin, including women, children and the elderly, have been subjected to arbitrary mass expulsions and detention by the Government of Ethiopia, and that their property has been appropriated after their expulsion. Additionally, it is estimated that the overall number of Eritrean deportees exceeds 53,000. United Nations intercession is sought in order to put an end to the detentions and deportations and to obtain compensation for the appropriated property of the persons concerned.*

E/CN.4/CCR.99/1

99/1/4
GUATEMALA 1477
Arts. 3,8,19,23

Communication dated 14 October 1998, from CLADEHLT (Latin American Commission for the Rights and Freedoms of the Workers and their Peoples), an organization in Venezuela, alleged that three trade unions affiliated with the Central General de Trabajadores de Guatemala (names given) have had to shut down and their members have thus been forced to work in remote regions, which is a way of preventing them from continuing to perform their trade union functions, in violation of legislative provisions that protect trade union leaders. It is further alleged that, on 2 October 1998, at 10.30 p.m., Ms. Sofia Miguelina Alvarez Rojas, leader of the trade union, Sindicato Unificado de Taxistas del Aeropuerto Internacional La Aurora (SUTSAP), was assassinated in her home by a gunman. Prior to her assassination, the victim had received several death threats

reportedly from a person identified as Ms. Sandra Mejia Araiza, president of the Cooperativa de Transportes la Unidad R.L., which she systematically conveyed to the authorities. It is further alleged that no light has been shed on the assassination of trade union leaders between 1992 and 1998 (the names of eight leaders are given), and that all relevant records and evidence have disappeared. United Nations intercession is sought in this connection.*

E/CN.4/CCR.99/4

99/4/1,748
GUATEMALA 1589
Arts. 5,8

Communication dated 24 March 1999, from Pax Christi International, International Catholic Peace Movement, alleged that on 11 February 1999, Ms. Lorena del Carmen Hernandez Carranza and Ms. Nery Mateo Hernandez, two 15 year-old street children, were sleeping side by side in a part of Guatemala City, when a uniformed policeman kicked them awake and then sexually abused them (details are given). The next day, the girls, together with staff members of the organization, Casa Alianza, are said to have viewed the files of the Guatemalan National Police Special Forces (FEP), and the children reportedly recognized a photo of the alleged perpetrator (name is given). The alleged perpetrator is said to have been given 24-hours leave on 25 February 1999, to allow the investigation to proceed (he had reportedly been on assignment in Coban until that date). It is further alleged that on 25 February 1999, the same policeman (in civilian clothes) and another uniformed policeman, both of whom appeared to be under the influence of alcohol, accused two persons, 21 year-old Mr. Juan Carlos Lopez Giron and 16 year-old Ms. Roxana Abigael Adalf, of a theft in the same park where the earlier sexual abuse had been perpetrated, ordered them to strip

and then threatened to rape Ms. Roxana Abigael Adalf. The child is said to have resisted and, after approximately 15 minutes of violent scuffles, both policemen reportedly left the scene. It is stated that Ms. Roxana Abigael Adalf sought the assistance of Casa Alianza and that a formal complaint was filed. On 26 February 1999, the four alleged victims are said to have been summoned to the Guatemalan Police Office of Professionalism and Responsibility (ORP) and one of the two policemen was identified. It is further alleged that, to date, ORP has failed to send a formal report to the Special Prosecutor for Crime against Women (Fiscalia de la Mujer) and arrest warrants have not been issued. United Nations intercession is sought in order to guarantee the security of the street children concerned and to ensure that the alleged perpetrators are brought to justice and that appropriate compensation and reparation is given.*

E/CN.4/CCR.99/4

99/4/13, 719
INDIA 1560
Arts. 5,9,19

Communication received in January 1999, from Mr. Michael Coey, reportedly a professor of experimental physics in the Republic of Ireland, was written on behalf of the wife of one of his colleagues in India, Ms. Alice Garg, reportedly a human rights defender who has been involved with the Bal Rashmi Society, a large village community run by former orphans in India, which is dedicated to improving the lot of some of the poorest and most demoralized people in Rajasthan. It is alleged that, by encouraging women to speak out against wife abuse, rape and murder (so-called "bride suicide") which is endemic in some sections of Rajasthan society, Ms. Alice Garg and her charitable foundation have drawn the ire of the Indian authorities. Reportedly, Ms. Garg has been falsely charged with carrying out

criminal acts of the type that she has devoted her life to exposing and eradicating. It is further alleged that she and her colleagues have been charged with seven serious crimes, such as murder, rape and embezzlement. Five of the persons concerned are said to have been illegally detained and three of them have allegedly been subjected to torture to extract confessions. United Nations intercession is sought in this connection.*

E/CN.4/CCR.99/9

99/9/37,721
INDIA 1775
Arts. 3,5

Communication dated 1 September 1999, from the World Organization against Torture, alleged the use of violence by the police in the district of Tiruneveli, Tamil, Nadu, in India, leading to the death by drowning of 17 persons. Reportedly, on 7 June 1999, workers from the Manjolai tea estate gathered in front of the District Collector's office at Tiruneveli to protest against their working conditions and 652 protestors were detained at Tiruch Central Jail for 10 days. The police are also reported to have taken a number of women to a police station, where they were allegedly beaten, stripped naked and harassed. On 27 July 1999, 17 corpses are said to have been retrieved from the river. The United Nations is requested to urge the Government of India to conduct an impartial and exhaustive inquiry into the incidents described, in order to: bring to justice those responsible; provide immediate and adequate reparation to the families of the deceased; compensate and provide adequate medical attention to the women who were beaten; and take appropriate measures to ensure that these reported human rights violations are not repeated.

99/10/40,712
INDIA 1871
Arts.12,19

Communication dated 15 October 1999, from the Observatory for the Protection of Human Rights Defenders, a joint Programme of the International Federation of Human Rights Leagues and the World Organization against Torture, drew attention to the alleged increasing harassment of non-governmental organizations involved in human rights work in India. It is said that the Foreign Contribution Regulations Act of 1976 (FCRA), which exercises control over foreign funds for the voluntary sector in India, appears to have been used by the governing Bharatiya Janata Party (BJP) as a political tool. Reportedly, on 25 September 1999, two BJP officials called for the investigation and punishment of 13 women's non-governmental organizations because of their sponsorship of a newspaper advertisement that is said to have implicitly criticized the party's position on issues of concern to women; the officials are said to have assailed these organizations as being "anti national and anti India". It is stated that two days later, the director of the Foreign Division of the Home Ministry notified several of the non-governmental organizations to show cause within 30 days why they should not be declared "organization(s) of a political nature, not being a political party" (reportedly, under section 5 (1) of FCRA such organizations are required to obtain prior permission before accepting any foreign contributions). The Voluntary Action Network of India, which came to their defence, is said to have been similarly ordered to show such cause. The submitting organization is deeply concerned that these actions have been designed to limit the ability of non-governmental organizations in India to carry out their human rights work and that they violate the spirit and letter of the Declaration on the

Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. United Nations intercession is sought in this connection.

E/CN.4/CCR.99/1

99/1/272-334
INDONESIA 1481
Arts. 3,5,7,17

Sixty-three similar communications received in January 1999, from individuals and an organization in Canada, Iceland, the Philippines, the United Kingdom of Great Britain and Northern Ireland and the United States of America, alleged that ethnic Chinese Indonesians were subjected to torture and arbitrary killings during mass rioting which spread throughout Indonesia, and that the Government of Indonesia did little to prevent the atrocities. It is stated that shops and houses of ethnic Chinese were burned and looted, and hundreds of women and children were savagely gang-raped in public by organized groups of persons with alleged links to the security forces; organized sexual assault is said to have been used in Indonesia as a tactic for terrorizing and humiliating the ethnic Chinese population. It is further reported that human rights and women's aid groups have received telephone threats and a hand grenade in the mail as a warning to stop their investigations and assistance to victims. The United Nations is called upon to condemn strongly the violations of human rights in Indonesia, to request the Indonesian authorities to conduct a thorough investigation into the acts committed against ethnic Chinese Indonesians in order to punish the perpetrators, and to urge them to protect the ethnic Chinese population and human rights and women's aid groups in the country.

99/3/12,642-12,698
INDONESIA 1550
Arts. 3,5,7,17

Fifty-seven similar communications, including a petition bearing approximately 500 signatures, received in February 1999, from individuals in Australia, Canada, Germany, Malaysia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, alleged that ethnic Chinese Indonesians were subjected to torture and arbitrary killings during rioting which spread throughout Indonesia, and that the Government of Indonesia did little to prevent the atrocities. It is stated that over 1,300 persons were killed, many burnt alive, property of ethnic Chinese was burned and looted and their owners physically abused, and hundreds of women were raped. The United Nations is called upon to strongly condemn the violations of human rights in Indonesia, to request the Indonesian authorities to conduct a thorough investigation into the acts committed against ethnic Chinese Indonesians in order to punish the perpetrators, and to urge them to protect the ethnic Chinese population from further killings and destruction.

E/CN.4/CCR.99/10

99/10/42,918-43,513
INDONESIA 1831
Arts. 3,5,9

Five hundred and ninety-six communications received between August and October 1999, including 11 petitions bearing approximately 1,711 signatures, from individuals and organizations in Austria, Belgium, Canada, France, Indonesia, Ireland, Japan, Malaysia, the Netherlands, New Zealand, Portugal, the Republic of Korea, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zambia, alleged massive violations of international humanitarian law and human rights in East Timor in the period following the

referendum on 30 August 1999. Women and children are said to have been tortured and killed and men were reportedly taken off to unknown destinations; those refusing to join the militias were allegedly killed. Many Timorese families are said to have resorted to selling their children as slaves in order to buy food and others are said to have given their children away because they could not afford to keep them. An appeal is also made for important evidence on the nature and scope of reported human rights abuses and that the identities of the torturers and the survivors be safeguarded so that a fair judicial process may be afforded. United Nations intercession is sought in this connection.

E/CN.4/CCR.99/4

99/4/13,740
JAPAN 1581
Arts. 5,8

A petition dated 16 March 1999, from the New York Coalition of "Comfort Women" Issues, an organization in the United States of America, signed by approximately 250 individuals, expressed deep concern about the reported lack of any positive measures by the Government of Japan in response to the reported recommendations of two United Nations Special Rapporteurs concerning redress for the gross sufferings of the "comfort women", victims who are said to have been forced into sexual slavery by the Japanese military during the Second World War. The High Commissioner for Human Rights is requested to take active measures to ensure that the Government of Japan promptly carries out the recommendations and to submit an annual report to the Commission on the Status of Women and the Commission on Human Rights concerning her efforts and the results in this regard. United Nations intercession is sought in this connection.*

99/9/37,690-37,692
JAPAN 1777
Arts. 5,8

Three petitions dated 25 June and 26 July 1999, from Lila-Philippina Inc, an organization in the Philippines, and the Asian Women's Human Rights Council, signed by 137 Filipino "comfort women" survivors who are said to have been victims of Japanese military sexual slavery during the Second World War, stated that they had filed and lost (in October 1998) a class action suit at the Tokyo District Court, demanding an official apology and compensation from the Government of Japan for the atrocities they suffered. Reportedly, the decision is currently being appealed. The petitioners stated that they are now in their seventies and eighties and that 21 out of 180 documented "comfort women" have died during the past five years. The petitioners hoped that the international community would not allow them to die before justice has been served, and appealed for official recognition by the Government of Japan of its legal responsibility to compensate individually the "comfort women" victims in the Philippines and other countries. An appeal is made for the full endorsement and implementation of the recommendations made by the Special Rapporteur of the (then) Sub-Commission on Prevention of Discrimination and Protection of Minorities in her report to its fiftieth session in 1998, on systematic rape, sexual slavery and slavery-like practices during armed conflict, in order to restore to the victims the dignity which they lost 57 years ago. United Nations intercession is sought in this connection.

E/CN.4/CCR.99/6

99/6/25,408-25,410
MEXICO 1671
Arts.3,5,8

Three communications dated 28 May 1999 and 31 May 1999, from the World Organization against Torture, drew attention to alleged human rights violations against the

indigenous Mixteco people in Guerrero, Mexico, including enforced disappearance, arbitrary killing and rape. It is reported that on 20 April 1999, Mr. Evaristo Albine Tellez, accompanied by Mr. Antonio Mendoza Olivero, a 12 year-old Mixteco child, left the Barrio Nuevo community in Guerrero, Mexico, to collect maize. When they did not return the following day, two Mixteco women relatives (names are given) reportedly went to search for them and found military personnel near a pool of blood. The two women are said to have been pursued by the soldiers and then raped; one was allegedly tied up and taken to an abandoned house where she was raped by three soldiers and the other is said to have been taken to a gorge where she lost consciousness and was subsequently raped. It is further alleged that, to date, no action has been taken to investigate the events, identify those responsible and bring them to justice. United Nations intercession is sought in this connection.*

E/CN.4/CCR.99/10

99/10/40,681
MEXICO 1828
Arts. 8,23

Communication dated 18 June 1999, from Ms. Rosa Ysabel Medina a Mexican national, alleged that she was unfairly and unjustifiably released from her functions at the Mexican Consulate General in El Paso, Texas, United States of America, after almost nine years of service (details are given). She claimed that, to her knowledge, no investigation was conducted in connection with this matter. She reportedly may lose her residence permit as a result of this case and is appealing for help in clearing her name. United Nations intercession is sought in this connection.

99/7/33,402
OMAN 1716
Arts. 7,8,13

Communication dated 23 June 1999, from Mr. Mohamed Salem, writing on behalf of his sister, Ms. Samira Salim, alleged that she has been barred from leaving Oman to be reunited with her husband and two young children in Yemen. The daughter of an Omani national, Ms. Samira Salim was born in Rwanda and is said to have studied abroad where she met and married a Yemeni national. The couple had two children. After several vain attempts to obtain Omani citizenship, she settled in Yemen where she worked as a laboratory engineer. With the help of her family in Oman, she is said to have returned to the Sultanate using an Omani *laizzer-passer*, and she was issued an Omani passport a year later. Subsequently, she is said to have decided to return to her husband and children in Yemen, but her passport was confiscated at the airport and she has since been barred from leaving the Sultanate. She has reportedly never engaged in political activities against the government, nor has she committed or been charged with any crime. Other women who are married to foreigners are said to be in the same predicament in Oman and are also barred from leaving the Sultanate to be reunited with their families abroad. United Nations intercession is sought in this matter.

E/CN.4/CCR.99/2

99/2/6,478
PAKISTAN 1506
Arts.12,18,19

Communication dated 27 January 1999, from Ms. Jacinta Benedicta Pereira, of France, was written on her own behalf and on behalf of her husband, alleging that they have suffered reprisals and persecution by the Pakistani authorities, including threats and prosecution, because of their humanitarian and human rights

activities concerning minorities, women and children and Afghan refugees. She claimed that the government warned them not to publish a minority newsletter or carry out the activities of their organization at the grass-roots level, and registered a case (crime not specified) against them on 27 August 1998, leading to their decision to flee Pakistan on 13 September 1998. The United Nations is requested to condemn the violation of the human rights of Ms. Jacinta Benedicta Pereira, her husband and other human rights defenders in Pakistan.*

E/CN.4/CCR.99/6

99/6/33,281-33,387
SUDAN 1700
Arts.3,5,9,19

One hundred and seven similar communications received in May and June 1999, from individuals in Germany and Switzerland, alleged the abduction of women and children in raids on villages near Aweil and Nyamlell in southern Sudan by the Popular Defence Forces together with the Sudanese Army in February 1998. It is further alleged that they and thousands of other persons are currently being held captive in the northern part of the country. Many of the children are said to have been tortured. It is further alleged that an estimated 50,000 additional persons have been abducted by the Sudanese authorities and are currently being held in detention in some 50 camps. United Nations intercession is sought in order to ensure that those responsible for the alleged human rights violations are brought to justice and that the persons concerned are released.

99/9/37,696-37,697
THE REPUBLIC OF CONGO 1793
Arts. 2,3,9,19

Two communications from individuals in France and Germany, dated 26 July 1999 and postmarked 21 August 1999, respectively, alleged systematic human rights violations in the Republic of Congo on the part of the authorities, since the end of the civil war in 1997, and the military victory by forces loyal to General Denis Sassou-Ngueso, who is said to have returned to power de-facto. The situation in the country is said to be characterized by violence, summary executions, arbitrary arrests on political grounds and lack of freedom of expression and of the press, including harassment and death threats against a number of journalists, terror and chaos, including destruction of property, pillage, rape of both young and elderly women, and torture. Deserted villages are said to have been looted and destroyed. People's belongings are said to be dispatched to Brazzaville where they are sold in public without any intervention by the authorities. Military check points are said to have been established to monitor traffic into and out of these regions and vehicles are systematically searched. United Nations intercession is sought in this connection, including the establishment of a special rapporteur for the Republic of Congo, Brazzaville.

E/CN.4/CCR.99/3

99/3/8,092-8,093
TUNISIA 1545
Arts.12,13,19

Two communications dated 14 January 1999 and 12 February 1999, from the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation of Human Rights Leagues and the World Organisation against Torture, supplemented information previously submitted (see item 98/5/12,787), alleging continued aggravation of the repressions suffered by human rights defenders and a general deterioration of

the human rights situation in connection with the right to freedom of opinion in Tunisia. Reference is made to the cases of Ms. Radhia Nasraoui, a Tunisian lawyer, and Mr. Ali Bedoui, a brother of Dr. Marzouki, ex-President of the Tunisian League for Human Rights. The submitting organisation recalled that on 30 March 1999, Ms. Radhia Nasraoui was forbidden to leave the district of Tunis by an investigating judge in connection with a case against her. Ms. Nasraoui is said to have recently violated the restriction on her freedom of movement by going to the funeral of her mother-in-law some 80 kilometres away. On 11 February 1999, she is said to have received a two week suspended prison sentence for this violation. The submitting organisation contended that this sentence constitutes harassment of Ms. Radhia Nasraoui and that the restriction placed on her freedom of movement constitutes an infringement of her right to freely exercise her profession and her activities in the defence of human rights. United Nations intercession is sought in this connection.*

E/CN.4/CCR.99/7

99/7/33,389
TUNISIA 1707
Arts. 3,5,7,8,9,11,18

Communication dated 18 April 1999, from an individual in Tunisia, alleged a consistent pattern of human rights violations in Tunisia under the government of President Ben Ali, including torture, rape, unfounded criminal charges and incarceration. It is reported that individuals who denounce human rights violations face criminal charges, torture, incarceration at the hands of the security forces and abuse of family members (harassment, rape of spouses and daughters by police and appropriation of assets). Relatives are also said to be denied access to their places of work and denied social benefits, and anyone seeking to help them is invariably harassed as well. Names of individuals who have

reportedly experienced human rights violations at the hands of the authorities include Mr. Najib Hosni (lawyer), Ms. Radhia Nasraoui (lawyer) and her daughter, who was reportedly seized by the police. United Nations intercession is sought in this connection, particularly in investigation of the human rights situation in Tunisia, including prison conditions, cases of assassination and torture and violations of fundamental human rights.

E/CN.4/CCR.99/4

99/4/13,713
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND 1605
Arts. 5, 11

Communication dated 20 January 1999, from Mr. John Tyers, of the United Kingdom of Great Britain and Northern Ireland, drew attention to alleged violations of human rights within the British criminal justice system, mentioning, in particular, that most inmates in British prisons are impoverished and have been incarcerated having had inadequate or no legal representation. Persons suffering from mental illnesses are said to have been imprisoned and pregnant women giving birth have allegedly been chained to their beds. United Nations intercession is sought in connection with this matter.*

E/CN.4/CCR.99/6

99/6/25,398
UNITED STATES OF AMERICA 1687
Arts.3,5,7,8

Communication dated 21 April 1999, from the Centro de Apoyo Al Migrante (CAM), an organization in Mexico, was written on behalf of six women and four men of Mexican origin who were reportedly subjected to torture and abuse while attempting to enter the State of California, United States of America, from the mountains adjoining the city of El Hongo, municipality of Tecate,

Baja California, on 12 April 1999. According to the testimony of one of the women victims, Ms. Violeta Perez Solario (testimony of victim is attached including further details), she left La Piedad on 10 April 1999, with her one and a half year-old son and a group of five women and four men, heading towards the United States with the help of two guides from the same city. Once they reached California territory, the two guides disappeared and the group was attacked by six men. Ms. Violeta Perez Solario was severely beaten, tortured and raped and had to witness the beating of her son (further details is given in testimony, including a gynaecological report). The victims could not ascertain the nationality of the men but they were reportedly neither Mexicans nor Americans. All the money and assets that the victims were carrying were reportedly taken. The group then continued to walk further into United States territory where they were discovered by the United States border patrol. Ms. Violeta Perez Solario decided to surrender to the authorities with her son, but some of the other victims decided to flee. The officer who proceeded to arrest her allegedly did not interrogate her and did not register her name at the detention centre, reportedly contrary to proper procedure. She was reportedly repatriated on 12 April 1999, and is currently still undergoing psychiatric treatment. The victim contended that had the border patrol interrogated her, they might have been able to apprehend the attackers. She further added that she might also have been able to seek the protection and assistance of the Mexican consulate. It is reported that this incident is not an isolated case and that migrants attempting to cross the border to reunite with their families suffer similar ordeals on a daily basis. The situation is said to have worsened in the last few years in light of new anti-immigration measures adopted by the United States Government, in particular "Operativo Guardian", which has reportedly led to 389 deaths in California alone. No measures

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have reportedly been taken to assist the victims of the above attack or of any such occurrence, and the culprits remain free with total impunity. Reference is made to a joint declaration signed by Mexican President Zedillo and United States of America's President Clinton in the City of Merida, Mexico on 15 February 1999. An investigation is requested in order to find and convict the culprits of the above mentioned incident. The writers also requested that the officers who handled the arrest and repatriation of Ms. Violeta Perez Solario, in violation of proper procedure, be investigated and appropriately disciplined and that the results of these investigations be communicated to the general public. United Nations intercession is sought in this connection.

E/CN.4/CCR.99/3

99/3/8,114
YEMEN 1527
Arts. 5,2,12,19

Communication received in February 1999, from the Yemen Human Rights Guard, an organization in Switzerland, supplemented information previously submitted (see item 99/1/1), alleging continuing violations of human rights in Yemen and mentioning, in particular, arbitrary arrest and detention, arbitrary interference with correspondence (confiscation of mail from abroad addressed to a number of politicians, jurists and academics), violation of the right to freedom of expression and rape. Several examples of alleged arbitrary detention are given. In one case, it is alleged that the Criminal Bureau of Investigations (CBI) has been detaining two persons (names are given) whose names are similar to the names of two persons wanted by the CBI. Reportedly, the CBI has announced that it will continue to hold the persons concerned until the real suspects have been apprehended. It is further alleged that on 27 December 1998, four Central Security officers forced at gunpoint Ms. Aisha Yahya Salem (a minor) to go with them to the Office of Education where

they beat and violently raped her. Concern is expressed about the conduct of the investigation because the alleged victim was not given a medical examination and because of rumours that the investigating attorney had altered her deposition. United Nations intercession is sought in this connection.*

E/CN.4/CCR.99/4

99/4/13,762
YEMEN 1623
Arts. 3,5,9,10,19,20,25

Communication dated 11 April 1999, from Yemen Human Rights Guard, an organization in Switzerland, supplemented previous information (see item 99/3/8,114), and alleging continuing violations of human rights in Yemen, including: arbitrary killings; routine infringements of the right to peaceful assembly by violent means; disappearances; arbitrary arrests and prolonged detention without charge; torture; illegal searches of the homes of political opponents, trade union organizers and students; arbitrary interference of correspondence and telephone monitoring of members of opposition political parties; violations of press freedom; unfair trials; and harsh prison conditions. Conditions in women's prisons are said to be catastrophic, with reported incidents of sexual harassment and rape, and children being imprisoned with their mothers, thereby lacking adequate food, clothing, sanitary facilities and health care. It is also stated that female prisoners who have completed serving their sentences are not released until they can be released into the care of a male relative or guardian, allegedly amounting to sex discrimination. Additionally, the submitting organisation expressed concern over alleged authorities, following the Commission on Human Rights' confidential consideration of the human rights situation in Yemen at its fifty-fifth session (details are given). United Nations intercession is sought in this connection.

E/CN.4/CCR.99/9

99/9/37,717
YEMEN 1795
Arts. 9,13

Communication dated 30 August 1999, from Human Rights Guard, an organization in Switzerland, was written on behalf of the family of Mr. Mohamed Abdul Rahman Al-Abbadi, former Ambassador of Yemen, and currently, reportedly, political opponent of the government, living in exile in the United States of America. It is alleged that Mr. Al-Abbadi's wife and his two children, aged 13 and 14, were held for three hours at Aden airport upon their arrival on 6 August 1999, and their passports were seized. Further, their house in Yemen is said to have been occupied by a government officer since 7 July 1994. As result, Mr. Al-Abbadi's wife and two children are said to have had no access to their home and, without their passports, are unable to leave the country. United Nations intercession is sought in this connection.

E/CN.4/CCR.99/8

99/8/37,658-37,687
YUGOSLAVIA 1764
Arts. 3,5,9

Thirty similar communications (many identical) received in July and August 1999, from individuals in Belgium, Canada, France, Germany, Italy, South Africa, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America, protested against the imprisonment of Dr. Flora Brovina, an Albanian paediatrician, for peacefully expressing her opinions. She was reportedly abducted in Pristina last April and is now being held in a prison in Pozarevac in the Federal Republic of Yugoslavia. Concern is expressed with respect to her fragile state of health and an appeal is made for urgent medical treatment as well as for her release. United Nations intercession is sought in this connection.

E/CN.4/CCR.99/10

99/10/45,225-45,273
YUGOSLAVIA 1838
Arts. 9,19

Forty-nine similar communications (many identical) received in September and October 1999, from individuals and organizations in Benin, Canada, Sweden, Switzerland and the United States of America, protested against the alleged arbitrary imprisonment of Dr. Flora Brovina, an Albanian doctor and human rights defender, who was reportedly taken into custody by the Serbian intelligence service on 22 April 1999, for her social activism. An appeal is made for the release of Dr. Flora Brovina and other alleged political prisoners. United Nations intercession is sought in this connection.

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Annex I

REPLIES FROM GOVERNMENTS TO COMMUNICATIONS CONCERNING THE STATUS OF WOMEN RECEIVED BY THE DIVISION FOR THE ADVANCEMENT OF WOMEN OF THE UNITED NATIONS SECRETARIAT

REPLY DATED 7 DECEMBER 1999 FROM THE GOVERNMENT OF GERMANY

[Original: English]

With your letter of 24 September 1999, a confidential communication with reference to Germany was brought to the attention of my Government under the relevant Economic and Social Council resolutions governing communications concerning the status of women in the context of the United Nations Commission on the Status of Women.

I have the honour to herewith transmit the statement by the Federal Republic of Germany on the said confidential communications submitted by a German woman and her children. I would ask you kindly to include the reply of my Government in the confidential list of communications concerning the status of women which will be reviewed by a working group of the Commission on the Status of Women at its forty-fourth session, from 28 February to 17 March 2000 in New York.

A. Facts of the case

In 1999, the author of the complaint filed a complaint with the United Nations Commission on the Status of Women in respect of various incidents in Germany which she considers to constitute a recurrent violation of her human rights, discrimination, racism and persecution by state and public agencies and persons.

She makes the following allegations, inter alia:

- In 1992, a neighbour's child is alleged to have cut off a part of her son's thumb. Berlin Youth Welfare Office, which was informed, is alleged to have done nothing.
- She claims to have separated from her German husband in 1992 because of physical violence directed at the children. The Youth Welfare Office in Berlin which was informed is alleged to have taken no steps against the father in respect of mistreating the children. The headmaster of the school at which her husband was teaching is also alleged to have done nothing.
- The father of the children is claimed to have paid only DM 150.00 per month in child maintenance since 1992 although he is said to earn more than DM 6,500 per month. She had therefore had to rely on social assistance. She alleges that the social assistance authority in Berlin treated her very badly and noted her as "foreigner" and "black" on her applications, in spite of her German nationality. Furthermore, the authority is said to have tampered with documents and stated that her husband was paying maintenance. This falsified information is said to have subsequently made it impossible for her to claim maintenance.
- In 1993, her son Nathan had been treated by a school psychologist and mentally manipulated.
- In 1993 and 1994, the residents' registration office had made racist notes in her data. She had initiated civil and administrative court proceedings and had been denied a fair

public trial in both (she had not been assigned legal representation by the court; a judge had stated untruths, etc.).

- In 1993, she had received racially motivated murder threats by telephone. The German agencies consulted had suppressed the matter and portrayed the author of the complaint as a troublemaker.
- In 1995, she had been spat at by passers-by on the street and called an "ape". The German police had not taken these incidents seriously.
- In 1995, the author of the complaint and her children had been housed by the Youth Welfare Office for two months in three asylum-seekers' hostels although, as German nationals, they should have been provided with different housing. Her complaints had not been upheld; instead, the officials responsible had slandered her in a racist manner.
- In 1995, she had been struck by an employee of the Berlin Public Transport Service. The outcome of the charge which had she filed had been inconclusive; she had not been assigned a solicitor and her witnesses had not been heard. A complaint to the German Federal Parliament (Bundestag) had not been answered.
- In 1997, her son Nathan had been attacked by German youths. The German police who she had called in had not taken the incident seriously and had not reported the matter.
- In 1997, German authorities had attempted to drive her out of her apartment. She was to move to a different, more dangerous part of the city. When she had refused, she had been threatened with psychiatric treatment.
- In 1998, her children had not been accepted at the school where her husband works as a teacher for reasons which were flimsy.
- In 1998, the German social assistance authorities had reduced her benefits because she had complained to a psychiatrist about the ongoing poor treatment she had received. Various complaints which she had submitted had been ignored. In order to survive, she had therefore been forced to leave Germany with her children.
- After the author of the complaint had taken her children to the USA, the solicitor whom she had appointed in Berlin had acted very sluggishly in recovering the outstanding maintenance payments from her former husband, and had not recovered the full amount. He had then only forwarded them to her in part. Several complaints about this to various agencies had not been pursued.

B. Statement

a) General preliminary remarks

The prohibition in the Federal Republic of Germany of discrimination against a person because of race stems from the first sentence of Article 3 (3) of the Basic Law, which reads as follows:

> "No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions."

The prohibition of discrimination is an expression of the protection of human dignity. Human dignity is recognised and guaranteed as a supreme legal interest in the Basic Law (Article 1 of the Basic Law).

Paramount importance is attached under German law and in the political arena in this country to protecting all persons against discrimination, in particular because of parentage or race.

The Federal Republic of Germany has therefore ratified inter alia the Convention on the Elimination of Racial Discrimination, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women.

The Federal and Länder Governments strive to sanction and put a stop to any discriminatory conduct which might occur in their respective areas of competence, as well as helping citizens who feel that they have been discriminated against by other citizens to assert their rights.

In light of the constitutionally guaranteed independence of the courts, however, the Federal and Länder Governments are unable to influence court proceedings or to assess court decisions in individual cases – either approvingly or critically – or even to take supervisory measures. When complaints are levelled against court proceedings or decisions, the complainants can only be pointed towards the appeals provided for in the rules of procedure.

b) Regarding the allegations made by the author of the complaint

The author of the complaint has also addressed her allegations to various Federal Government agencies, so that her identity is known, and the Federal Government has been able to make enquiries of the authorities involved regarding the individual allegations.

The author of the complaint was actively supported when she consulted the German Embassy and German Consulates General in the USA. This was primarily a matter of asserting maintenance claims against her former husband in Germany. The German Consulate General in San Francisco contacted the District Authority in Steglitz, Berlin, several times concerning this matter asking for appropriate intercession. Since these efforts were unsuccessful, the Consulate General sent the application forms necessary to apply for legal aid and legal advice to the author of the complaint. According to the details provided by the author of the complaint, the solicitor thereupon appointed has now been able to successfully assert the maintenance claims.

Furthermore, a large number of letters and enquiries by the author of the complaint were forwarded by the Consulate General to various agencies in Germany.

The responses from the various Berlin authorities reveal the following picture:

Not all the events can be understood from the files since some of them go back almost eight years. The author of the complaint is however definitely known to the various Berlin authorities since she has drawn youth assistance and social assistance benefits for several years.

The author of the complaint has also several times come to the notice of the criminal prosecution authorities, both in filing charges and as an accused person in respect of criminal offences. There is now a warrant of arrest out for her regarding an unpaid fine for fraud.

The son of the author of the complaint, Nathan, has only come to the notice of the criminal police as a victim in respect of maintenance claims, but not of bodily harm (incidents alleged to have taken place in 1992 and 1997). The author of the complaint evidently did not report these incidents to the police.

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The author of the complaint herself filed two charges in 1994 in respect of insult, but not of bodily harm. Also in 1995, a charge was filed in respect of bodily harm against an employee of Berlin Public Transport Service, two charges of defamation against her former husband and a charge of incitement to hatred and violence. These criminal charges were forwarded to the public prosecution authorities. Some of them are still pending, and others have been adjudicated by sentence. One set of proceedings in respect of defamation against her husband was discontinued because the investigations offered insufficient cause to file a public charge.

In contradistinction to the submission made by the author of the complaint, investigations were indeed carried out into her husband in respect of criminal offences against the author of the complaint and her children.

The proceedings relating to the allegation of breaching a duty to provide maintenance were discontinued on 6 October 1999 in light of punishment which was expected to be imposed in respect of another offence. The essence of the conflict was maintenance for the past, as the accused was said to be keeping up with his duty to provide maintenance at that time.

A sentence was handed down and has been served in the proceedings in respect of mistreatment of charges. A sentence was also passed down in respect of dangerous bodily harm committed by the father of the children against the author of the complaint and their son.

This reconstruction of the various sets of proceedings makes it clear that the German criminal prosecution authorities took the charges filed by the author of the complaint seriously and processed them properly.

The following details can be provided regarding the conduct of the Youth Welfare Office and the Social Welfare Authority involved:

The Mayor of Berlin-Wilmersdorf district has stated that the author of the complaint resided in his district from 8.8.1983 to 16.5.1995. She had been given the right of custody of her three children in the divorce proceedings. However, parenting deficiencies had very soon been revealed in exercising her right of custody, so that Wilmersdorf Youth Welfare Office felt obliged to support the mother of the children in her efforts to bring up her children appropriately. For this reason, family assistance was granted from February 1993 onwards in the shape of parenting support. This assistance was however

concluded after 1 ½ years because the mother of the children no longer demonstrated a willingness to work together constructively. The author of the complaint rejected a psychological examination ordered by the court to determine her ability to bring up her children.

Proceedings for failure to act have been pending since 18.9.1995 at Berlin Administrative Court regarding administrative events at Wilmersdorf Social Welfare Authority, filed by the author of the complaint against Berlin-Wilmersdorf Social Welfare Authority.

The aim of the action is to oblige Wilmersdorf Social Welfare Authority to pay the maintenance already paid by her husband which has been retained amounting to DM 920.00 per month for the period March 1994 to January 1995, and to pay this amount in future.

The factual basis of this case is that the author of the complaint had breached her duty in failing to inform the Social Welfare Authority that her husband had made these payments:

The author of the complaint received assistance for living expenses in accordance with the provisions of the Federal Social Assistance Act (Bundessozialhilfegesetz) for herself and her three under age sons. Necessary living expenses cover, in particular, food, housing, clothing, personal hygiene, household goods, heating and personal needs. With children and juveniles, necessary living expenses also cover the special needs particularly caused by growth.
Ongoing payments for living expenses are granted in accordance with standard amounts determined in legal ordinances issued by the respective Länder governments for the head of the household and the other household members. Additionally, the cost of the respective housing is paid. The author of the complaint also received an allowance for additional requirements amounting to 40 % of her standard amount because she lived with three children under 16 years of age and was solely responsible for caring for them and bringing them up.
As well as the ongoing payments of assistance for living expenses, one-off payments are made where needed, in particular for clothing, household goods, special school books and equipment for school-age children, maintenance of housing (decoration costs), acquiring more expensive consumer durables (e.g. a washing machine, refrigerator, vacuum cleaner, etc.) and for special occasions (e.g. family celebrations such as baptisms, marriages, communions, confirmations, etc.).

In accordance with the system described in the law on social assistance, these benefits are granted on a subsidiary basis, meaning that all other income and assets of the social assistance recipient are counted towards social assistance. This also applies to existing maintenance claims, which are assigned to the social assistance agency by law.

When the Social Welfare Authority learned that the husband had paid maintenance, it was transferred to the Social Welfare Authority in accordance with the statutory provisions, and has been paid directly to the social assistance agency since February 1995. The author of the complaint then filed the abovementioned action for failure to act against the Social Welfare Authority, as well as making fraud charges against the official because the latter was alleged to have deceived her as to the declaration of assignment to the Social Welfare Authority which she had signed.

Instead, the author of the complaint was sentenced to pay a total fine of DM 1,400.00 by final decision of Tiergarten Local Court dated 8.2.1996 in respect of fraud to the disadvantage of Berlin.

The Mayor of Berlin-Wilmersdorf district states that no religious, political or other ideological grounds played a role in the various benefits provided by his offices to the author of the complaint and her children. Racist or discriminatory treatment by the officials of the Youth Welfare Office and the Social Welfare Authority could be ruled out. Nor had the files been marked "foreigner" or "b" for "black". Even if another nationality than "German" had ever been erroneously entered in an application, this could not have had any legal consequences for the author of the complaint.

The author of the complaint and her children had also not been housed in 1995 in asylum-seekers' hostels but – temporarily – in bed-and-breakfasts where people live at the expense of the district authority who would otherwise become homeless.

In June 1995, an apartment was found for the author of the complaint in the Zehlendorf district by Berlin Zehlendorf Youth Welfare Office in order to remedy her unsatisfactory housing situation. Subsequently, she was advised by several social workers from the Youth Welfare Office in that district in all areas of family and life and supported in asserting her statutory rights. She was provided with a family help at her own request to support her in bringing up her children and to strengthen her parenting skills.

The attack on her eldest son Nathan, which was mentioned, was brought to the attention of Berlin-Zehlendorf Youth Welfare Office, which then appointed a staff member to

provide advice on the course of the proceedings, as well as to reassure and provide mother and child with psychological support.

The Social Welfare Authority of the Berlin-Zehlendorf district has stated that the author of the complaint lived with her children in an apartment in Zehlendorf between 1.8.1995 and approx. the end of February 1998 measuring 101.78 m^2 at a monthly rent of DM 1,684.05, including heating. The tenancy agreement was time-limited until 31.12.1998.

This rent was paid by Zehlendorf Social Welfare Authority until 31.12.1997, in spite of the apartment being quite excessive in terms of its size and in relation to the housing costs which are recognised as suitable under social assistance. (The following values apply to a four-person household in Berlin as suitable housing costs under social assistance: 4 rooms up to a maximum of 85 m^2, rent between DM 856.00 and DM 989.00, depending on the level of fittings.) Higher expenditure is only to be recognised by the Social Welfare Authority if the persons in question are unable or cannot be expected to move in order to reduce this expenditure.

(It can be discerned from a document from the author of the complaint in this matter that she had been permitted this apartment so that she, as a trained artist, could build up a business in a study room. She had been unable to do so because of health problems and because of her responsibility to take care of the three children.)

From mid-1997 onwards, the Social Welfare Authority had asked the author of the complaint to make an effort to find an apartment of a size and rent in line with social-assistance legislation. Since the family carer informed the Social Welfare Authority that the author of the complaint would accordingly attempt to do so, but that it would be a particular hardship from a social and pedagogical point of view for the family to have to give up the apartment in Zehlendorf, the Social Welfare Authority agreed to continue paying the rent until 31.12.1997.

The author of the complaint then claimed that health reasons prevented her moving home. She also stated that she intended to leave the country.

The Social Welfare Authority then asked the Social Psychiatric Unit to prepare a report on the state of health of the author of the complaint. Since the latter failed to attend the examination appointment, and also ceased to make efforts to find a suitable apartment,

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the Social Welfare Authority reduced its rent cost contribution to DM 1.118.20 per month, including heating.

On 23.1.1998, the author of the complaint underwent an examination by a medical referee. Before the proceedings in this respect could be concluded, the author of the complaint left the apartment for an unknown destination.

Zehlendorf District Authority has also stated that the claim made by the author of the complaint that she had been treated badly in every conceivable manner by the Berlin Social Welfare Authority was incorrect.

The following can be discerned from the documents which have been provided to the Federal Government in respect of the other allegations:

John F. Kennedy School accepted the oldest son Nathan, but refused to accept the two younger sons from 1995 onwards with varying reasons. Administrative proceedings are evidently still pending in this matter. The decision has been postponed.

Irrespective of an evaluation of this conduct on the part of the school, it should be pointed out here that the two younger children, whose development was retarded, attended a private school, at considerable expense to the Youth Welfare Office, which offers work in small groups and special help for pupils. These benefits provided by the Youth Welfare Office are not mentioned by the author of the complaint.

A more critical evaluation of the action of the authorities has been carried out by the Commissioner for Women's Affairs of Steglitz-Zehlendorf district in Berlin, who devoted a great deal of time to the author of the complaint between the summer of 1995 until her departure for the USA. She states that she got to know the author of the complaint well because of their frequent contact, including the "circumstances which made her fight, become ill and sink into despair". The Commissioner for Women's Affairs sets store by the statement that she "(had) reached the conclusion by gaining a closer insight into an escalation of official decisions to the disadvantage of Ms (...) which seemed to me at first sight to be random and incomprehensible that Ms (...) rightly considered herself unfairly treated and insufficiently supported in this matter by the law." She therefore agrees with the author of the complaint in major points of her complaint.

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According to the information provided by the Commissioner for Women's Affairs, several official decisions appeared to her to be "dubious at times". She is, for instance, unable to understand how the authorities appeared to be "unable to find" the former husband of the author of the complaint for quite some time even though he was teaching at the John F. Kennedy School without interruption. She was also unable to understand the request by the Social Welfare Authority to move home since, in her view, the author of the complaint, as a lone mother with three children, belonged to the group of people which, according to instructions from the Senat Administration, was to be spared strenuous moves.

The Commissioner for Women's Affairs had actively supported the author of the complaint on repeated occasions, helped her to formulate applications and complaints, used her office to intervene with other authorities in favour of the author of the complaint and spoken out about and remedied mistakes, such as the erroneous transfer of social assistance to an incorrect account, which had been blamed on the author of the complaint.

On 8.3.1999, the Commissioner for Women's Affairs also submitted a complaint to the President of Berlin Bar Association on behalf of the author of the complaint against the latter's former solicitor, who is said to have exceeded his mandate to assert maintenance claims of the children by also demanding overdue maintenance although the Social Welfare Authority was entitled to the latter amounts. He billed the costs for these proceedings to the author of the complaint and deducted them, together with other amounts, from the maintenance payments which he had received.

In the various incidents, the Commissioner for Women's Affairs requested the agencies which had been written to for sympathy "for a series of reactions" on the part of the author of the complaint "which were difficult to understand", and for their understanding because "her hurts, her skin colour, her knowledge of German and her roots (...) had led her in her desperate conflict with German authorities to construe links which, in some cases, do not stand up to a fair analysis ".

c) Summary

The present complaint provides no indication of the existence of widespread human rights violations against women in Germany which would give the Commission on the Status of Women cause to submit recommendations on their prevention.

When viewed as a whole, rather, the statements of the various agencies concerned demonstrate the multifaceted nature and uniqueness of an individual case in which a possibly emotionally heated interaction between those concerned has led to conflicts flaring up and the author of the complaint not feeling that she had been fairly treated in certain respects.

In particular, the statement by the Commissioner for Women's Affairs expresses an understanding that the author of the complaint felt administrative decisions taken to her disadvantage to be incomprehensible and insensitive in some cases. However, it also shows that reactions and views of the author of the complaint were frequently incomprehensible to the officials concerned and appeared to be excessive. This evidently led to an escalation which becomes clear in the following quote from an official statement:

> "The claim of a human rights violation can be regarded as outrageous. Ms (...) has (...) repeatedly stated that she could receive any benefit she wanted by claiming to be the victim of racist conduct. Accordingly, she herself has attempted to misuse her skin colour and origins in an attempt to hide fraudulent actions by making allegations of racism, and to implement her excessive demands."

A superior felt obliged to protect his staff because they had been confronted with "utterly groundless allegations": "The human dignity of the staff in the Berlin administration is also a human right in need of protection."

The Federal Government wishes by no means to excuse any errors committed by the authorities by blaming them on the conduct of the author of the complaint. Any one-sided viewpoint would not do justice to the real course of events, which is complex.

Even if the allegations of the author of the complaint might be justified in individual cases, an assessment of the events as a whole makes it clear that the author of the complaint cannot be considered the victim of racially-motivated arbitrariness on the part of the authorities in Germany. She received a great deal of support in Germany, as well as access to the range of social benefits to which she was entitled. Her conduct also

demonstrated that she was able to obtain this help and support, and to defend herself against injustice by making use of the various legal possibilities.

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REPLY DATED 8 NOVEMBER 1999 FROM THE GOVERNMENT OF JAPAN

[Original: English]

With reference to your letter to H.E. Mr. Yukio Satoh, Permanent Representative of Japan to the United Nations, dated 24 September 1999, I have the honor to transmit herewith information relating to confidential communications received by the United Nations concerning the "comfort women" victims during World War II. On the understanding that the summary of the contents of this information will be included in the confidential list of communications concerning the status of women, which will be reviewed by a working group on communications of the United Nations Commission on the Status of Women at its forty-fourth session, it would be appreciated if you could supply us, on a confidential basis and at the earliest stage possible, with a copy of the unedited advance version of the list for our reference. Your kind assistance is highly appreciated.

With reference to the letter dated September 24, 1999 from Ms. Yakin Erturk, Director of the Division for the Advancement of Women, to Mr. Yukio Satoh, Ambassador Extraordinary and Plenipotentiary, Permanent Mission of Japan to the United Nations, transmitting confidential communications received by the Division for the Advancement of Women. The Government of Japan, for the reasons stated below, considers that this case should not be dealt with under the communications procedure.

1. Since these communications have the following procedual problems, the case should not be dealt with under the communications procedure.
(1) The procedure is not supposed to be retroactively applied to an event which had taken place before the establishment of the United Nations.
(2) The admissibility criteria for communications are taken from resolution 1 (XXIV) of 13 August 1971 of the Sub-commission on Prevention of Discrimination and Protection of Minorities on the 1503 procedure (E/CN.6/1997/4). According to the Sub-commission's decision 1991/104, the 1503 procedure cannot be applied as a reparation or relief mechanism in respect of claims of compensation for human suffering or other losses which occurred during the Second World War.

2. As for the issue of "wartime comfort women," the Government of Japan has taken appropriate actions as follows:
(1) The Government of Japan has sincerely dealt with the issues of reparations, property and claims relating to the war, including those of "wartime comfort women," in accordance with the San Francisco Peace Treaty, bilateral peace treaties and other relevant international agreements, and therefore, the issues have been legally settled between Japan and the Parties to the above mentioned agreements.
(2) The Government of Japan has been conducting extensive the studies twice on the issue since December 1991, and has publicized the results of the studies twice, in 1992 and in 1993. Based on the results of the studies, the Government of Japan has repeatedly expressed its sincere apologies and remorse to former "wartime comfort women," recognizing that this act, with the involvement of the military authorities of the day, severely injured the honor and dignity of many women.
(3) The Government of Japan, with a view to fulfilling its moral responsibility, has taken various measures as explained in the attached Annex. "RECENT POLICY OF THE GOVERNMENT OF JAPAN ON THE ISSUE KNOWN AS "WARTIME COMFORT WOMEN.""

The Government of Japan is making sincere efforts to deal with the "wartime comfort women" issue, providing all possible assistance, including financial supports to the Asian Women's Fund (AWF) which was established to express atonement from the Japanese people to the former "wartime comfort women."

Annex

RECENT POLICY OF THE GOVERNMENT OF JAPAN ON THE ISSUE KNOWN AS "WARTIME COMFORT WOMEN"

October, 1999

The Government of Japan has been conducting a thorough fact-finding study on the issue known as "wartime comfort women" since December 1991 and announced its results in July 1992 and in August 1993. Public documents found as a result of such study are now open to the public. When the result of the study was announced in 1993, then Chief Cabinet Secretary Kono released a statement and expressed in it sincere apologies and remorse, recognizing this issue was, with the involvement of the military authorities of the day, a grave affront to the honor and dignity of large number of women. The Government of Japan, afterwards, expresses its sincere apologies and remorse to the former "wartime comfort women" on many occasions.

Recognizing that the issue known as "wartime comfort women" was a grave affront to the honor and dignity of a large number of women, the Government of Japan, together with the people of Japan, seriously discussed what could be done for expressing our sincere apologies and remorse to the former "wartime comfort women." As a result, the Asian Women's Fund (AWF) was established on July 19, 1995 in order to offer atonement from Japanese people to the former "wartime comfort women." Having decided to provide necessary assistance for the AWF by a Cabinet decision, the Government of Japan, with a view to fulfilling its moral responsibility, has been providing all possible assistance for the AWF including bearing the whole operational costs of the AWF, assisting its fund-raising and providing the funds necessary to implement its activities, in order for the AWF to attain its goals.

1. Cooperation for the Asian Women's Fund

The Government of Japan has been cooperating with the AWF in implementing the activities outlined below. The activities of the AWF

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show steady progress as a whole. As of now, in the Philippines, the Republic of Korea and Taiwan, more than 140 received the atonement money from the AWF, and some of them who received atonement money expressed their gratitude in various ways. In addition, the AWF implemented its activities in Indonesia and the Netherlands as well. The Government of Japan will continue its effort to seek the understanding from the Governments and authorities and other parties of the countries and regions concerned with regard to the activities of the AWF.

(1) The Philippines, the Republic of Korea and Taiwan

The AWF makes it its principle to respect the intention of each of the aged former "wartime comfort women" in the Philippines, the Republic of Korea and Taiwan where the identification processes of "wartime comfort women" have been implemented by their Governments or organization. Based upon such principle, the AWF, making use of the money donated by the Japanese people as its resource, provides the former "wartime comfort women" with atonement money which expresses the feeling of atonement by the Japanese people and, making use of the fund disbursed by the Government of Japan, implements medical and welfare support projects aimed at improving their medical and welfare condition. When the atonement money is provided, the Prime Minister, on behalf of the Government, sends a letter expressing apologies and remorse directly to each former "wartime comfort woman." The details are as follows;

(a) Letter from the Prime Minister of Japan

The Government of Japan has expressed its sincere apologies and remorse regarding the issue known as "wartime comfort women" on various occasions.

When the atonement money and medical and welfare support project are provided, the Prime Minister, on behalf of the Government, sends a letter expressing apologies and remorse directly to each former "wartime comfort woman." (The translation of the letter is attached.)

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(b) Atonement from the Japanese People

The Government of Japan has been making great efforts to raise public awareness and gain a better understanding on the issue known as "wartime comfort women." The Government has provided all possible assistance to the AWF for its fund-raising from the public to express atonement to the former "wartime comfort women."

As a result, a wide range of people including individuals, enterprises, labor unions, political parties, Diet members and Cabinet Ministers have shown their support for the aims of the AWF. As of Now, in total, more than 484 million yen including contributions to its basic assets has been donated to the AWF.

In July 1996, the AWF decided that the Fund would provide 2 million yen (the atonement money) to each former "wartime comfort women" in the Republic of Korea, the Philippines and Taiwan from these contributions.

Together with the atonement money and the letter from the Prime Minister of Japan, a letter from the President of the AWF, explaining the purpose and expected result of the AWF activities, and messages from the contributors are also conveyed to each victim.

(c) Medical and Welfare Support Projects funded by Governmental Resources

In order to fulfill its moral responsibility, the Government of Japan has decided to disburse about 700 million yen from the national budget for the medical and welfare projects of the AWF to assist the former "wartime comfort women" in the Republic of Korea, the Philippines, and Taiwan over a 5-year period.

Such plans as (i) improvement of housing, (ii) nursing services, and (iii) assistance in provision of medical service and medicines, are some examples of these projects. They are being carried out with the cooperation of the respective governments and authorities, and other relevant organizations, taking fully into account the actual circumstances of each of the former "wartime comfort women."

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(2) Indonesia

The Government of Japan and the AWF had explored the most appropriate project to be implemented in Indonesia in order to express atonement from the Japanese people. As a result, the AWF has decided to support a project proposed by the Government of Indonesia called the "Promotion of Social Welfare Services for elderly People in Indonesia." through a fund disbursed by the Government of Japan. This decision was made partly because the Government of Indonesia found it difficult to identify the former "wartime comfort women." In March 1997, the AWF concluded the Memorandum of Understanding (MOU) with the Government of Indonesia (the Department of Social Affairs) to provide financial support (380million yen over 10 years) to the project.

In this project, new facilities will be built for the elderly who have no family or relatives to look after them and are unable to work due to illness or physical handicaps. These facilities will be annexed to the public homes for elderly run by the Department of Social Affairs.

The priority will be given to those who proclaim themselves as former "wartime comfort women" for entrance into these facilities. The facilities will be established mainly in the regions where former "wartime comfort women" are thought to live. The construction of the first five facilities was completed and their opening ceremony was held on January 9, 1998. This year, the construction of the second six facilities was completed.

(3) The Netherlands

The Government of Japan and the AWF, in consultation with the Dutch people concerned, had explored what appropriate project could be implemented in the Netherlands, where no authorities identify former "wartime comfort women," in order to convey atonement from the Japanese people. As a result, on July 16, 1998, the AWF concluded a Memorandum of Understanding (MOU) with the Project Implementation Committee in the Netherlands (PICN) on a project concerning the issue known as "wartime comfort women" aimed at

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helping enhance the living conditions of those who suffered incurable physical and psychological wounds during World War II.

In accordance with the MOU, the AWF, making use of a fund disbursed by the Government of Japan, shall provide the PICN with financial support totalling up to 255 million yen over 3 years and the PICN is now implementing the first year operations.

(4) Programs Underscoring the Lessons of History

Recognizing the importance of passing on the facts related to this issue to the future generations as a lesson of history in order to ensure that such issue may never be repeated, the AWF, in cooperation with the Government of Japan, is actively compiling documents and materials relating to the issue known as "wartime comfort women."

2. Efforts to Address Contemporary Issues Concerning the Honor and Dignity of Women

The Government of Japan considers that it is its responsibility to address contemporary issues related to women, such as violence against women. The Government of Japan is providing financial contributions to the AWF for its activities toward the solution of such issues.

In this context, the AWF has been actively implementing the following activities.

(1)The organization of international fora (with ESCAP on the theme of women's rights as human rights in 1996, with the Government of the Philippines and the support of international organizations such as UNICEF, ILO, and ESCAP on the theme of Trafficking and Commercial Sexual Exploitation of Women and Children in November 1997, with the Government of Thailand and international organizations such as ESCAP, ILO, IOM on the theme of International Trafficking in November 1998.)

(2)The provision of support to the public relations of other NGOs engaged in various contemporary issues on women through financial assistance.

(3)The initiation of research and fact-finding projects on contemporary women's human rights problems, such as violence against

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women; their causes, and necessary counter-measures and policies.
(4)The initiation of projects to counsel the women sufferred from the problems such as violence against women and to research and develop new counseling and mental care techniques to help improve the skills of counselling and health care professionals.

3. Efforts in the Field of Education

The Government of Japan deems it important that the young people who will form the next generation correctly understand the facts of modern Japanese history including the issue known as "wartime comfort women" through school education. This issue is mentioned in nearly all presently used history textbooks for junior high school and Japanese history textbooks for senior high school.

4. Discussions in international human rights fora

In August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities under the United Nations Commission on Human Rights adopted a resolution, as adopted by the Working Group on Contemporary Forms of Slavery, which recognized the above-mentioned measures implemented by the Government of Japan in cooperation with the AWF as "positive steps" towards the settlement of this issue.

Letter from the Prime Minister of Japan

On the occasion that the Asian Women's Fund, in cooperation with the Government and the people of Japan, offers atonement from the Japanese people to the former wartime comfort women, I wish to express my feelings as well.

The issue of comfort women, with an involvement of the Japanese military authorities at that time, was a grave affront to the honor and dignity of large numbers of women.

As Prime Minister of Japan, I thus extend anew my most sincere apologies and remorse to all the women who underwent immeasurable and painful experiences and suffered incurable physical and psychological wounds as comfort women.

We must not evade the weight of the past, nor should we evade our responsibilities for the future.

I believe that our country, painfully aware of its moral responsibility, with feelings of apology and remorse, should face up squarely to its past history and accurately convey it to future generations.

Furthermore, Japan also should take an active part in dealing with violence and other forms of injustice to the honor and dignity of women.

Finally, I pray from the bottom of my heart that each of you will find peace for the rest of your lives.

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CHRONOLOGICAL DEVELOPMENT OF ASIAN WOMEN'S FUND (AWF)

Dec. 1991 The Government of Japan started the fact-finding study on the issue known as "wartime comfort women."

July 1992 Announcement of the first results of the study.

Aug. 1993 Announcement of the second results of the study.

The Government recognized the involvement of the then Japanese military and expressed apologies and remorse to the former "wartime comfort women."

Aug. 1994 The Prime Minister stated that the Government would seek ways to facilitate broad participation of the Japanese people.

Dec. 1994 The Government appropriated 480 million yen (approximately US$ 4.8 million) to the FY 1996 budget as a subsidy for administrative and other expenses of the AWF.

June 1995 The Government announced the projects to be undertaken by the AWF.

July 1995 Establishment of the AWF; Prime Minister delivered his address.

Aug. 1995 The Government reaffirmed its policy to provide the necessary cooperation with the AWF's activities.

The Chief Cabinet Secretary called on Cabinet members to make contributions to the AWF.

Dec. 1995 The Government authorized the AWF as a non-profit foundation.

The total amount of donations reached 100 million yen (approximately

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US$ 1 million).

Jan. 1996 The AWF dispatched dialogue teams to the Philippines, Taiwan and the Republic of Korea.

April 1996 The total amount of donations reached 300 million yen.

The Government appropriated 480 million yen as a subsidy for AWF and US$ 1.5 million to support mainly medical and welfare projects, to the FY 1996 budget.

June 1996 The total amount of donations reached 400 million yen.

July 1996 It was officially decided that the Fund will disburse 2 million yen (approximately US$ 20,000) per capita, from the donations, to the former "wartime comfort women" in the Philippines, Taiwan and the Republic of Korea; that the letter from Prime Minister will be delivered to them with the disbursement; and that the Government will contribute about 700 million yen to medical and welfare projects for the former "wartime comfort women."

Aug. 1996 The AWF commenced activities in the Philippines. The atonement money and the letter from the Prime Minister of Japan were delivered to 4 former "wartime comfort women".

Jan. 1997 The AWF commenced activities in the Republic of Korea. The atonement money and the letter from the Prime Minister of Japan were delivered to 7 former "wartime comfort women." The medical and welfare projects were begun in the Republic of Korea.

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The AWF officially decided to support the "Promotion of Social Welfare Services for Elderly People in Indonesia" proposed by the Government of Indonesia.

The Government of the Philippines and the AWF signed the Memorandum of Understanding to start the medical and welfare support projects in the Philippines.

Mar. 1997 The AWF signed the Memorandum of Understanding with the Government of Indonesia to support the social welfare services project for elderly people, which is being implemented by the Government.

May.1997 The AWF announced the commencenent of its activities in Taiwan.

Jan. 1998 The AWF announced the informations on its activities in newspapers in the Republic of Korea.

In Indonesia, the opening ceremony of the first five facilities was held.

July.1998 The AWF signed the Memorandum of Understanding with the Project Implementation Commitee in the Netherlands (PICN) on the project to enhance the living conditions of beneficiaries; concerning the issue known as "wartime comfort women".

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REPLY DATED 26 NOVEMBER 1999 FROM THE GOVERNMENT OF MYANMAR

[Original: English]

I would like to refer to your letter of 24 September 1999, in which you have informed us that the Division for the Advancement of Women has received a confidential communication requesting that the provisions of humanitarian assistance be given to the refugees and internally displaced women and children in border camps.

The allegations contained in the aforementioned communication are totally devoid of truth. In this connection, I would like to inform you that the status of Myanmar Women is relatively high and traditionally they have enjoyed equal rights with men in all crucial areas such as education, health, employment, social and political activities. The government has taken measures to protect and promote the rights of women. In 1997, Myanmar ratified the Convention on the Elimination of all Forms of Discrimination against Women and, to fulfil her obligation in accordance with the convention's provisions, Myanmar has submitted the initial report to the Committee.

Furthermore, the Government of the Union of Myanmar is doing its utmost to enhance the existing status of Myanmar women in urban, rural and border areas throughout the country. Concerning the welfare of the women and children in the so-called border camps, in as much as the Government wishes to look after their well being, they are beyond the reach of the Government's jurisdiction. It may be mentioned that those who are now residing in the border camps voluntarily crossed the border in search of better jobs opportunities. The Government, however, is always ready to welcome them back and provide all possible assistance if they choose to return voluntarily. On the other hand, remnants of the Karen National Union (KNU) armed group and their families, relatives and sympathizers are also staying in the border camps. Despite their destructive activities which have mainly contributed to humanitarian problems in the border areas, the Government's offer of peace to them still stands. The Government remains ready to extend all kinds of assistance to facilitate their reintegration back into normal civilian life. I would like to state that the Government has spent billions of kyats to develop the border areas and for the welfare of people living there and much success has been achieved.

I would like to draw you attention to the fact that your letter dated 24 September 1999 was belatedly received at the Mission and we have responded as promptly as possible to your query. I hope that our reply will be duly reflected in the confidential list of Communications concerning the Status of Women, which will be reviewed by a working group on Communications of the United Nations Commission on the Status of Women, at its Forty-Fourth session to be held from 28 February -17 March 2000, in New York.

REPLY DATED 12 JANUARY 2000 FROM THE GOVERNMENT OF THE SUDAN

[Original: English]

The Permanent Mission of the Republic of the Sudan to the United Nations presents its compliments to the Secretariat of the United Nations (Division for the Advancement of Women), and with reference to the latter's letter dated 24 September 1999, has the honour to enclose here with the reply of the Government of the Sudan to a confidential communication received by the Division.

It would be highly appreciated if this reply is included in the confidential list of communications concerning the status of women, which will be reviewed by a working group on communications of the United Nations Commission on the Status of Women at its forty-fourth session, to be held from 28 February to 17 March 2000 in New York.

Reply of the Sudan

[Original: Arabic]

1. The allegation that women have been dismissed from their jobs is groundless, and in the Sudan women occupy senior leadership positions as well as other posts. There are five women judges in the Supreme Court, namely Faridah Ibrahim, Rabab Muhammad Mustafa, Amirah Yusuf Bilal, Dr. Badriyah Hassunah and Saniyyah al-Rashid.

2. In the Ministry of Justice, women have risen to the chief-of-department grade, and they include the counsellor Amal Hasan al-Tanni, Asma' Hamid Kashshah, Mahasin Muhammad al-Hasan, Salwa al-Banna and Nu'aymah Muhammad Hasan.

3. There are also women ministers at the federal and state levels, such as Sayyidah Bashshar, Iqnis Lukudu, Ihsan al-Ghabashawi, Alu Kir and others. Women also have a notable presence in the National Assembly and there are more than 20 women parliamentarians, including Dr. Su'ad al-Fatih, Khadijah Karrar and Dr. Samiyah Abu Kashwah. In the diplomatic service there is Ambassador Zaynab Mahmud.

4. The 1997 Labour Code provides that ability will be the criterion for recruitment to the public service, and it also requires equal pay for equal work. The recruitment of women to public-sector posts is thus both required by law and confirmed by actual practice.

5. The communication states that women have been forced to wear Islamic attire and that they have been arrested and tortured. In this connection, we emphasise that Khartoum state, given its political, geographical and social situation, represents the Sudan as a whole. No law relating to public display has thus been promulgated so that the penalties mentioned in the communication could be applied. There have merely been proposals that are still under consideration and are being debated in various non-governmental and official forums. The relevant government authorities affirm that even if a law on public display was to be promulgated, there would be nothing in it that could be regarded as a violation of the human rights that are among the foundations on which the Islamic religion is built.

6. The women who conducted the peaceful demonstration outside the United Nations building in Khartoum were arrested not because of the march but because they violated particular provisions of the 1991 Criminal Code. There can be no doubt that, in every country, citizens have a duty to respect the law and that its violation must be punished. This is a global principle: the supremacy of the rule of law.

REPLY DATED 17 DECEMBER 1999 FROM THE GOVERNMENT OF TURKEY

[Original: English]

With reference to your letter of 24 September 1999, I have the honour to inform you of the following.

Ms. Huda Kaya was taken under custody during an illegal demonstration in Malatya on 9 October 1998, while she was distributing leaflets which were aimed at inciting hatred and enmity among the people. During the police interrogation, Ms. Kaya admitted that the leaflets were prepared and distributed by herself.

At another illegal demonstration in Malatya on 21 April 1999, the protesters, which numbered between 4500-5000, ignored the warnings of the security authorities, resisted police forces, and resorted to violence destroying police cars and some shops in the vicinity. During the demonstration, police took 76 protesters into custody. Ms. Huda Kaya, who was among the protesters who evaded immediate apprehension, but the police captured her on 19 May 1999 at another location. The trial against the protesters started on 22 June 1999, and in the following period, the charges against 19 protesters were dropped and they were released. The court proceedings against the remaining detainees have not been completed yet.

As for the communication concerning Ms.Merve Kavakçı, let me first inform you that according to the Article 2 of its Constitution, the Republic of Turkey is a democratic, secular and social State. Article 24 stipulates that everyone has the right to freedom of conscience, religious belief and conviction. But at the same time, this Article also emphasizes that "no one shall be allowed to exploit or abuse religion or religious feelings, ... for the purpose of personal or political influence ..." Furthermore, according to the Article 174 of the Constitution, no provisions of the Constitution shall be construed or interpreted as rendering unconstitutional the Reform Laws, which include the Act. No. 2596 of 3 December 1934 on the prohibition of the wearing of certain garments.

There also exist other laws and regulations concerning the limitations on attire at official public workplaces. Article 19 of the State Employee Law, Article 112 of the Law of the Public Prosecutors and Lawyers, and Article 56 of the Regulation No. 584 of the Turkish Grand National Assembly are some examples to be cited in this context. All of these laws and regulations reflect the common understanding of a proper public office, as well as of the principle of secularism, which is so dear to us. According to the relevant provisions of the Regulation No. 584 of the Turkish Grand National Assembly, the deputies and the public employees of the Parliament are bound by certain rules of attire and behaviour during the deliberations of the Plenary sessions. It should be emphasized that these regulations on the attire of deputies are not applicable outside the Plenary Hall of the Parliament. It is also equally important to underline here that, during the swearing-in ceremony on 9 May 1999, another female deputy who is also known for her religious attire, fully observed these regulations governing the plenary session and removed her headscarf within the Plenary Hall.

All Turkish citizens have the right to vote and to be elected for public offices. Once elected, however, its is expected that they fully obey the rules governing these public bodies. Ms. Merve Kavakçı, who was to officially swear-in as a deputy on 9 May 1999, taking an oath for her "... allegiance to the democratic and secular Republic ..." chose to challenge the rules and regulations of the Plenary session of the Parliament and, therefore, was requested to leave the Plenary Hall.

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Annex II

REPLIES FROM GOVERNMENTS TO COMMUNICATIONS CONCERNING THE STATUS OF WOMEN EXTRACTED FROM THE CONFIDENTIAL LISTS OF COMMUNICATIONS CONCERNING HUMAN RIGHTS RECEIVED BY THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

BRAZIL

(Re: BRAZIL 1473)

[Original: English]

The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to acknowledge receipt of the communication no. G/SO 215/1 BRAZ 1473, referring to alleged violation of human rights received from Mrs. Sonia Boguzinskas, responsible for "Project Life" ("Projeto Viver").

The Permanent Mission of Brazil has the honour to inform that the Brazilian Government has taken note of the informations contained in the abovementioned communication which was transmited to the competent authorities.

ETHIOPIA

(Re: ETHIOPIA 1503)

[Original: English]

The Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations Office at Geneva and other International Organisations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights at Geneva and has the honour to refer to the latter's Note, No. G/SO215/1 ETHI 1503, dated 26 February, concerning alleged human rights violations in Ethiopia.

In this regard, the Permanent Mission of Ethiopia wishes to submit to the Office the following reply to be presented in full to the Commission on Human Rights and the Sub-commission on Prevention of Discrimination and Protection of Minorities.

The communication presented by a non-governmental organisation asks specific actions to be taken by the Ethiopian Government and at the same time acts as an appellate body to the legal actions taken by the competent authorities and has pronounced its own views. This is not acceptable and has no place in the confidential procedure of the United Nations. The communication also attaches a detailed response from the Ethiopian Government on legal measures against the criminal activities of Ms. Svetlana Mamedova, who is not currently in Ethiopia.

These explanations from the Government are sufficient to conclude that the legitimate measures taken against this single individual do not fall under the 1503 procedure as they do not reveal any consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

Furthermore, the matter dates back mainly to the year 1991 and was not

ETHIOPIA

(Re: ETHIOPIA 1493)

[Original: English]

The Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations Office at Geneva and other International Organisations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights at Geneva and has the honour to refer to the latter's Note, No. G/SO215/1 ETHI 1493, dated 26 February 1999, concerning alleged human rights violations in Ethiopia.

In this regard, the Permanent Mission of Ethiopia wishes to submit to the Office the following reply to be presented in full to the Commission on Human Rights and the Sub-commission on Prevention of Discrimination and Protection of Minorities.

In responding to this communication, the overall context and the motivation for the false allegations should firstly be made clear:

1. On 6 May 1998, heavily armed Eritrean armed forces crossed into Ethiopian territory and on 12 May 1998 moved into the Ethiopian Badme town and its environs, chased out the civil administration overwhelming the local police posts and the militia with columns of mechanised army units fully equipped with tanks. At the time there were no Ethiopian defence forces in the border area.
2. Initially, the Ethiopian government tried unsuccessfully to seek a peaceful solution by conducting consultation at the highest level. But when the aggression against the sovereignty and territorial integrity of Ethiopia persisted, the Government condemned the act and demanded an immediate and unconditional withdrawal of Eritrean troops from Ethiopian territories. Unfortunately, the aggressor responded by undertaking more hostile and injurious acts. At this point, third parties started to undertake initiatives aimed at resolving the crisis peacefully.
3. Accordingly, various Governments, individually or in-groups or through organisational structures have attempted to seek peaceful solutions. Most specifically, the Governments of Rwanda and the United States of America as facilitators submitted a package of proposals to the two countries. Ethiopia accepted the proposals. Eritrea did not only reject the proposals but also continued with its aggression by indiscriminately bombing civilians and civilian structures and unleashing further attacks with a view to escalating the crisis.
4. Then, the Assembly of Heads of States and Governments of the Organisation of

(US/Rwanda) Plan and decided to send a delegation of Heads of State and governments to Addis Ababa and Asmara to help resolve the crisis.

5. The OAU High Level Delegation conducted missions to the two capitals, undertook fact-finding mission through the Committee of Ambassadors. held Ministerial level meeting and presented a report and recommendation to the OAU Central Organ for Conflict Resolution Summit Meeting in Ouagadougou, Burkina Faso, on 17-18 December 1998. At the meeting, the Central Organ considered the report and adopted the proposals for framework agreement submitted by the High Level Delegation. The Central Organ also called for a speedy implementation of the framework agreement. Ethiopia fully accepted the proposals for a framework agreement as it was consistent with the previous OAU Summit Meeting Resolution which stated that Eritrea should withdraw from Badme and its environs to positions held before 6 May 1998, and that the Ethiopian civilian administration should be reinstated.
6. Furthermore, the UN Security council, the EU, Italy, the Netherlands, the UK, the US, Canada, Sweden and other Governments issued public statements expressing their support for the OAU Framework Agreement and called on Eritrea to accept the OAU proposal. More importantly the UN Security Council passed resolution 1226 on 29 January 1999 expressing its strong support for the OAU Framework Agreement as "the best hope for peace" between Ethiopia and Eritrea. The resolution welcomed Ethiopia's acceptance of the Agreement and, noting that the OAU had responded to Eritrea's request for clarifications of the proposal, strongly urged Eritrea to accept the Agreement "without delay". Following the adoption of this resolution, the UN Secretary-General sent his Special Envoy for Africa to the two countries. While the Special Envoy Mr. Mohammed Sahnoun was still in the region. on 5 February 1998, two Eritrean fighter planes bombed the Ethiopian town of Adigrat in violation of the Air Moratorium of June 1998. Then, on 6 February 1998, Eritrea launched full scale attack against Ethiopian troops at the Badme front, in complete disregard and contempt for the OAU Peace Proposals and international support for the OAU peace efforts.
7. This desperate Eritrean attack was successfully repelled by the Ethiopian defence forces who launched a counter-offensive to prevent further attacks and regain part of Ethiopian sovereign territory. The heroic defence forces of Ethiopia have successfully liberated Badme. However, the Eritrean Armed Forces are still occupying the Ethiopian territories in Zalambessa - Aiga region -, the Bada - Bure region - and the Egala region. Without showing any sign of withdrawing from these areas, the Eritrean Government has declared that it has accepted the OAU peace proposal as soon as it lost the battle at Badme. However, Eritrea's actions on the ground and statements from the leaders of that country clearly indicate that they are just buying time to regroup and re-organise after their monumental and humiliating defeat at Badme. On the other hand the Eritrean government continues its usual diversionary tactics by alleging that Ethiopia has other designs. But the Ethiopian Government has repeatedly stated that "Ethiopia has never had and does not have any designs on the sovereignty of Eritrea. Ethiopia is simply exercising its right of self-defence. Ethiopia has never rejected

the President of Burkina Faso, asking Eritrea to withdraw unconditionally from the remaining Ethiopian territories.

In preparing for and carrying out its aggression against Ethiopia, the Eritrean regime had established in Ethiopia a network of operatives through its nationals in Ethiopia. In this regard, the Eritrean President soon after the crisis started declared that "it was easy to strike at the heart of Ethiopia, confirming the existence of such clandestine network and the possibility of carrying out terrorist acts. However, Ethiopian security forces prevented such calamity by uncovering the clandestine organisational structure and its members in time. The English translation of a chart showing the organisational structure is attached as annex to this communication. The clandestine structure is set up in Ethiopia by the Eritrean Government for the following illegal activities:-

a) Fund raising to support the Eritrean war of aggression against Ethiopia
b) Espionage, gathering and dispatching information to the Eritrean Government
c) Dissemination of the war propaganda to strengthen the Eritrean war of aggression and,
d) Promoting and executing missions assigned by the Eritrean Government to be carried out in Ethiopia.

Individuals involved in these criminal activities against the security of Ethiopia have been asked to leave the country. When this difficult decision was forced on Ethiopia, the Government has been fully transparent on why the decision has been necessitated and the manner of execution. Great care has been taken to make the departure of the individuals and as orderly as possible. The ICRC has been provided unhindered access to oversee the departure of the individuals. It has also been ascertained that the individuals are foreign nationals, as Ethiopian law does not allow deportation of Ethiopian nationals. The individuals asked to leave Ethiopia because of their participation in the above-mentioned illegal activities are Eritrean nationals. They belong to a group referred to in the information provided by the Eritrean Embassy in Ethiopia saying that 130'000 Eritrean nationals are registered with that Embassy. The fact that these individuals hold Ethiopian passports or identity papers from their earlier Ethiopian nationality does not establish Ethiopian nationality as they had voluntarily relinquished their original Ethiopian nationality and acquired their new Eritrean nationality by virtue of the operation of the Eritrean nationality law and their participation in the referendum on the independence of Eritrea. They might have also procured these documents illegally. In fact they might have also participated in elections or other activities reserved for nationals only. All these, however does not entitle them or establish Ethiopian nationality. The fact remains that under the Ethiopian nationality law of 1930 any Ethiopian national who acquires other nationality losses his or her original Ethiopian nationality. The law cannot be differently applied for Eritrean nationals alone.

In this regard, the applicable law in Ethiopia is Proclamation No. 271 of 1969 regulating the issuance of Travel documents and visas, and registration of foreigners in Ethiopia. This law lays the ground to declare "undesirable foreigner" by the Ministry of Interior. Hence, the Ministry or the equivalent authority serving in that

asked to leave the country could ask for review of their situation. A number of Eritrean nationals who felt aggressed by the measure made use of this possibility and appealed to the Review Body. There is also a bilateral agreement signed between the two countries 1993 which gives each side the right to refuse entry or stay to the national of the other party if the receiving state considers the individual as undesirable.

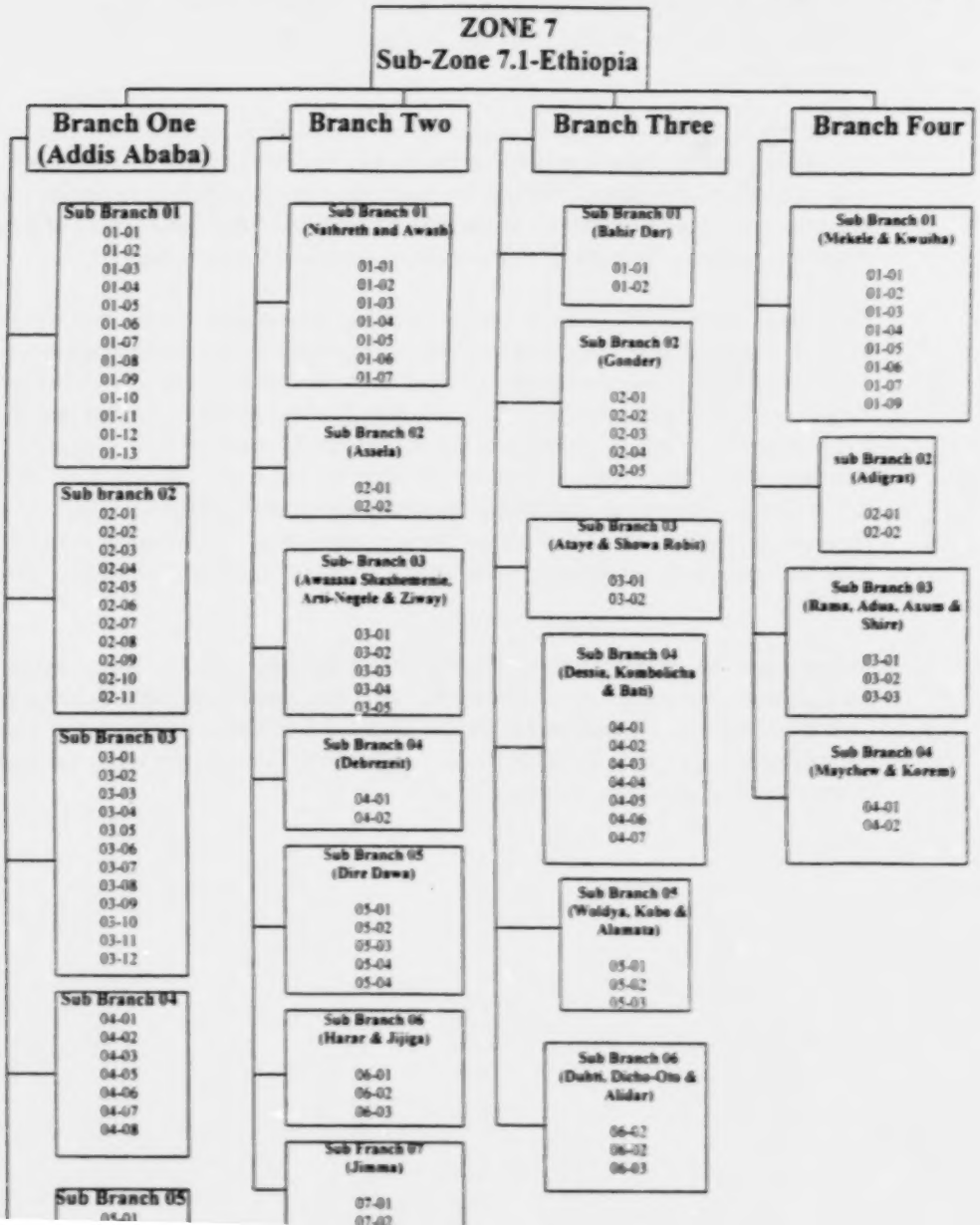
Hence, those Eritrean nationals organised in a clandestine structure with the purposes of carrying out terrorist activities or those who actively sought to help the Eritrean war of aggression against Ethiopia by mobilising or contributing financial resources are clear and immediate threats to the security of Ethiopia and the safety of Ethiopian nationals and have been asked to leave the country in a humane manner.

The communication also repeats another Eritrean propaganda slogan that the property of those asked to leave Ethiopia has been confiscated by the Ethiopian Government. This is totally unfounded and can be easily disproved to be so by any visitor to Addis Ababa or other Ethiopian cities. All those asked to leave were informed that they had the possibility to assign attorney or representative to manage their property in their absence. Many have done so and the relevant Government officers have facilitated this process. No property of Eritrean nationals has been confiscated or otherwise held because of their departure. Of course persons with debts can be sued and their cases will be handled in accordance with normal private litigation before the competent courts.

In any case, the communication does not meet the admissibility requirement of the Sub-commission resolution (XXIV) 1991 as it has manifestly political motivations. This could easily be observed by the last paragraph of the communication where the complainant associates itself with the aggressive Eritrean regime. As such, the communication should be rejected.

Annex

PEOPLE'S FRONT FOR DEMOCRACY AND JUSTICE
(Clandestine Organisational Structure of the EPLF in Ethiopia)
Adapted from the structure prepared by the EPLF in the Tigrigna Language



GUATEMALA

(Re: GUATEMALA 1477)

[Original: Spanish]

The Permanent Mission of Guatemala to the United Nations Office and other international organizations at Geneva presents its compliments to the secretariat of the Working Group on Situations (Economic and Social Council resolution 1503 (XLVIII), confidential communications procedure) and submits a reply on behalf of the Government of Guatemala concerning cases GUAT 937 and GUAT 1477.

Case: Sofía Miguelina Álvarez Rojas, José Feliciano Vivas, Rolando Quinteros and Mario Garza

Background information

The corpse of Feliciano Godoy Vivas was found on 6 January 1996 at kilometre 16.5 of the road to Villa Canales, a municipality of the Department of Guatemala, inside a vehicle with registration plates P-72839; his death was caused by a projectile from a firearm. Mr. Godoy Vivas was a member of the Unified Taxi Drivers' Union of La Aurora International Airport.

Sofía Miguelina Álvarez Rojas, a member of the Unified Taxi Drivers' Union of La Aurora International Airport, was killed by unknown persons in her home on 2 October 1998, at 10.30 p.m.

Roland Quinteros, Secretary-General and Mario Garza, Executive Secretary of the Unified Taxi Drivers' Union of La Aurora International Airport have received death threats.

Information gathered

The Homicides Section of the Criminal Investigation Department of the National Civil Police stated in its report on the case of Mr. Feliciano Godoy Vivas:

1. That Mrs. Alba Mencos Contrera, the wife of Mr. Feliciano Godoy Vivas, was interviewed on 10 January 1996; she said that she could give no further details on the perpetrators of the crime since she did not know if her husband had been threatened. She knew that he was going to travel to the United States of America to buy some cars, on behalf of a friend whose name she did not know.

2. On 10 January 1996, Mr. Geovany Sumale Alvarado was interviewed; he said that he was the person who washes the cars parked at the airport. In connection with the crime, he said that on 5 January 1996 at 10 p.m. in the car park of the south wing of the terminal at La Aurora Airport he met Mr. Feliciano Godoy Vivas who was in his car; he chatted to him only briefly since a foreigner had requested Mr. Godoy Vivas's services. Mr. Sumale said that while he was talking to Mr. Godoy Vivas, there was a car parked at the back of the car park, a maroon-coloured Nissan with polarized glass windows and foreign plates; it was the only vehicle there at the time. Two strangers got out, approximately 22 to 25 years of age and about 1.70 metres tall, of

They took a turn around and when the victim set off in his car they were observed to do the same.

3. The vehicle in which the body of Mr. Feliciano Godoy Vivas was found was a black Toyota van, 1977 model, with chassis number TG-096492 and engine number 4K-5669391, belonging to Edgar Augusto León Fong.

4. On 6 January 1996, at 1.45 a.m., the National Police were informed that the body of Feliciano Godoy Vivas had been found at kilometre 16.5 of the road to Villa Canales, and the investigators from the Homicides Section were called in. At 2 a.m. the duty magistrate arrived; he carried out the necessary formalities and ordered the body to be taken to the legal authority's morgue for the forensic autopsy. No one was interviewed in situ because of the time when the formalities were performed.

In the case of Mrs. Sofía Miguelina Álvarez Rojas, Mr. Elmer Francisco Cristóbal Álvarez, Mrs. Álvarez Rojas's son; was interviewed by officials of the Presidential Human Rights Committee (COPREDEH) and said that:

1. His mother had lodged a complaint with the duty office of the Public Prosecutor's Office on 10 August 1998 concerning the death threats she had received from Mrs. Sandra Patricia Mejía Araiz de Reyes, President of the Taxi Cooperative of La Aurora International Airport. The complaint was registered as case 11657.

2. On 8 September 1998, the eleventh magistrates' court (criminal section) registered the complaint as case 934-98 in the charge of the second clerk. On 24 September 1998, a confrontation took place before the eleventh magistrates' court (criminal section) between the injured party and Mrs. Sandra Patricia Mejía Araíz de Reyes; the resulting legal document engaged Mrs. Araiz de Reyes to stop molesting Mrs. Sofía Miguelina Alvarez. Mrs. Alvarez for her part would be responsible for anything that might happen to Mrs. Sandra Patricia Mejía Araíz de Reyes.

3. With reference to the murder of Mrs. Sofía Miguelina Alvarez and the report of death threats against Rolando Quinteros and Pablo Garza, the twenty-fourth department of the Public Prosecutors's Office is taking the necessary steps and carrying out the investigations to identify the perpetrators. This information will be transmitted when more details emerge.

INDIA

(Re: INDIA 1560)

[Original: English]

The Permanent Mission of India to the United Nations and other International Organisations presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to forward herewith the response of the Government of India to the following communications received under the 1503 procedure :-

1. G/SO 215/1 INDIA 1308 dated 31 July, 1998
2. G/SO 215/1 INDIA 1408 dated 30 November, 1998
3. G/SO 215/1 INDIA 1449 dated 18 December, 1998
4. G/SO 215/1 INDIA 1468 dated 29 January, 1999
5. G/SO 215/1 INDIA 1525 dated 31 March, 1999, 1999
6. G/SO 215/1 INDIA 1559 dated 21 April, 1999
7. G/SO 215/1 INDIA 1560 dated 21 April, 1999
8. G/SO 215/1 INDIA 1573 dated 21 April, 1999
9. G/SO 215/1 INDIA 1615 dated 23 April, 1999
10. G/SO 215/1 INDIA 1616 dated 23 April, 1999
11. G/SO 215/1 INDIA 1622 dated 23 April, 1999
12. G/SO 215/1 INDIA 1513 dated 31 March, 1999 & G/SO 215/1 INDIA 1632 dated 23 April, 1999.

The Permanent Mission of India requests that the responses of the Government of India be presented in full to the Working Group on Communications.

Communication received from Trinity College, University of Dublin, Ireland regarding harassment by government officials of members of an orphanage.

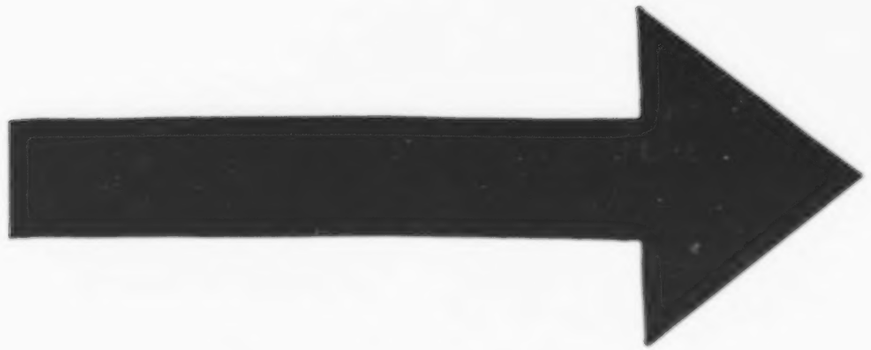
Summary of Allegations

The communication alleges that Ms. Alice Garg who is working for an orphanage called Bal Rashmi Society is being harassed by local officials as she has been speaking out and encouraging other women to speak out against crimes and social ills afflicting women in Rajasthani society.

Response

This case was received at the end of the reporting cycle and has been forwarded to the concerned authorities for investigation. The Government of India attaches the highest importance to the promotion and protection of the human rights of women and in this context attaches particular importance to eradicating all forms of violence against women and other abusive practices.

In the time available since this communication was received, it has not been possible for the concerned authorities to verify facts of this case.



JAPAN

(Re: JAPAN 1581)

[Original: English]

The Permanent Mission of Japan to the International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights and has the honour to refer to the latter's Note No. G/SO 215/1 JAPAN 1581 dated 23 April 1999, requesting a reply from the Government of Japan regarding a communication presented by the New York Coalition on "comfort women" issues.

The Permanent Mission of Japan has further the honour to transmit herewith, under instructions from its home Government, the reply of the Government of Japan and requests that the reply will be presented in full to the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

The Government of Japan presents its compliments to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Office of the High Commissioner for Human Rights, and has the honour to refer to the question under Economic and Social Council Resolution 1503 (XLVIII).

With reference to Note No. G/SO 215/1 JAPAN 1581 dated 23 April 1999, transmitted from the Office of the High Commissioner for Human Rights to the Permanent Mission of Japan to the International Organizations in Geneva, concerning the communication on human rights which was submitted by New York Coalition on "Comfort Women" Issues, the Government of Japan does not consider it appropriate that the Sub-Commission takes up this issue under the Resolution for the following reasons.

1. This communication involves the following problem with regard to the communications procedures:

(1) The Sub-Commission already decided that the 1503 procedure cannot be applied as a reparation or relief mechanism in respect of claims of compensation for human suffering or other losses which occurred during the Second World War (decision 1991/104).

(2) Moreover, the 1503 procedure is not supposed to be retroactively applied to an event which had taken place before the establishment of the United Nations.

Accordingly, the Government of Japan considers that this case should not be dealt with under the 1503 procedure since these communications deal with an issue which occurred during the Second World War.

2. As for the issue of "wartime comfort women," the Government of Japan has taken appropriate actions as follows:

(1) The Government of Japan has sincerely dealt with the issues of reparations, property and claims relating to the war, including the issue of "wartime comfort women," in accordance with the San Francisco Peace Treaty, bilateral peace treaties and other relevant international agreements, and therefore, the issues have been legally settled

/...

between Japan and the Parties to the above mentioned agreements.

(2) The Government of Japan has been conducting extensive studies on the issue of "wartime comfort women" since December 1991, and publicized the results of the studies twice, in 1992 and in 1993. Based on the results of the studies, the Government of Japan has repeatedly expressed its sincere apologies and remorse to former "wartime comfort women", recognizing that this act, with the involvement of the military authorities of the day, severely injured the honour and dignity of many women.

(3) The Government of Japan, with a view to fulfilling its moral responsibility, has taken various measures as explained in the attached Annex. "RECENT POLICY OF THE GOVERNMENT OF JAPAN ON THE ISSUE KNOWN AS 'WARTIME COMFORT WOMEN'".* To deal with the "wartime comfort women" issue, the Government of Japan is providing all possible assistance to the Asian Women's Fund (AWF) which was established to express atonement from the Japanese people to the former "wartime comfort women". In June, 1997, the Working Group on Contemporary Forms of Slavery recognized these efforts as "positive steps" (E/CN.4/Sub.2/1997/13) and this recognition was endorsed by the Sub-Commission (resolution 1997/22). Likewise the next year Special Rapporteur on the violence against women Madame Coomaraswamy recognized these as "welcome efforts" (E/CN.4/1998/54).

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* See the reply of Japan in annex I above.

MEXICO

(Re: MEXICO 1671)

[Original: Spanish]

The Permanent Mission of Mexico to the United Nations Office and other international organizations based in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to Note G/SO 215/1 MEXI 1671 of 20 June 1999, transmits herewith the information provided by the National Human Rights Commission on the cases of Evaristo Albino Téllez, Antonio Mendoza Oliverio, Francisca Santos Pablo and Victoriana Vázquez Sántos, State of Guerrero, Mexico.

At approximately 1.45 p.m. on 20 April 1999, military personnel from the 'Romano' operations base conducting a reconnaissance mission to the north of San Miguel Tejalpan village, municipality of Xochistlahuaca, Guerrero, in accordance with an ongoing campaign against the drug traffic and with the Federal Firearms and Explosives Act, were caught in a burst of gunfire in which a member of the medical corps, Pvt. Ramiro Cruz Acevedo, received an injury to his left arm, broken ribs and muscle tears to his left lung, the shell having lodged itself 3 cm from his spine.

The 'Romano' operations base reacted to this attack by requesting aid from the 'Aguirre' operations base, which, at approximately 7.30 p.m., while en route to supplying the aid request, surprised five armed individuals, including one woman, in a poppy field where they were looting the poppy bulbs. On becoming aware of the army presence the individuals opened fire on the military personnel with the weapons they were carrying. Two of the individuals remained behind shooting to cover the flight of the woman and two other men.

Given the hour of the attack, it was dark when the shooting stopped and the military personnel decided to remain at the scene of the events, in the interest of safety and to avoid further attacks. The next day they surveyed the area and discovered the lifeless bodies of two of the attackers.

On 21 April 1999, Infantry Colonel and military staff member Juan Manuel Corona Armenta, commander of the 48th infantry battalion (Cruz Grande, Guerrero), arrived at the scene of the events, as did Mr. José Luis Martínez Silva, official of the Public Prosecutor's Office for matters of ordinary law in Ometepec, Guerrero, and Mr. Salvador Calleja Paniagua, State Attorney-General, accompanied by staff members of the Department of Justice and the Department of Expert Services of the Public Prosecutor's Office.

The Office staff instituted preliminary investigation BAS/02/14/99 and ordered the bodies removed to the Office premises in Acapulco, Guerrero, for a post-mortem examination as required by law.

The Public Prosecutor's Office for matters of ordinary law declared itself incompetent to deal with the case on the ground of probable connection with the drug traffic. It referred the file

to the Federal Public Prosecutor's Office in Acapulco, Guerrero, which instituted preliminary investigation 136/A4/99. A breakdown of the information was also produced in order to enable an official of the Military Public Prosecutor's Office in Acapulco to open investigation No. IXM/09/99, which is in the process of being completed.

A formal complaint was lodged with the Federal Public Prosecutor's Office in Acapulco, Guerrero, concerning the attack against the 'Romano' operations base in which Pvt. Ramiro Cruz Acevedo was injured, and preliminary investigation No. 59/A3/99 was instituted.

On 6 May 1999, the official of the Public Prosecutor's Office for matters of ordinary law in Ometepec, Guerrero, instituted preliminary investigation No. ABAS/AEDS/028/99 into charges brought by Ms. Francisca Santos Pablo and Ms. Victoriana Vázquez Sánchez concerning a rape committed against them on 21 April 1999. They stated that their attackers were armed individuals dressed in green but did not specify whether the individuals concerned were military personnel.

The interrogations conducted to date indicate that:

The military personnel acted at all times strictly according to the law and in implementation of the principles of the Constitution of the Republic and the applicable legal framework;

The claim that military personnel were in the vicinity of 'Barrio Nuevo San José' community on 20 April 1999 is untrue, as the 'Romano' operations base is located to the north of the village of San Miguel Tejalpan, municipality of Tlacoachistlahuaca, Guerrero, as stated in the first paragraph of this document;

The allegations that military personnel attacked and killed Evaristo Albino Téllez and the child Antonio Olivero for no reason whatsoever and that Ms. Francisca Santos Pablo and Ms. Victoriana Vázquez Sánchez were raped by military personnel are also untrue.

The National Human Rights Commission stated that it had instituted case No. 99/1703 as a result of a complaint lodged by Mr. Eusebio Sánchez Ceferino, who reported the incidents of 20 April 1999; the case is in the process of being completed."

Any further information resulting from the Commission's interrogation will be brought to your attention as soon as it is received.

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PAKISTAN

(Re: PAKISTAN 1506)

[Original: English]

The Permanent Mission of Pakistan accredited to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to forward the Government of Pakistan's response to 1503 communication No. G/SO 215/1 PAKI 1506 dated 26 February 1999.

It is requested that the response may kindly be presented in full to the Working Group on Communications.

Summary of allegations.

The communication has been sent by the "Human Rights World Crusaders" from Paris alleging that the Government of Pakistan has threatened to stop their humanitarian activities and has forced them to halt their operations by harassing them through registration of fake cases against them.

The Government's response.

The petitioner alongwith her husband, Mr. SM Saleem established a computer training company "The Chips Computers" at 62/11 Bank Road Saddar, Rawalpindi in the early nineties. The couple was also ostensively affiliated with the "Human Rights World Crusaders". The NGO being used only as a front, was to secure funds from charities abroad. It has no project or activity. Mr. Saleem provided false information about the activities of his organization to secure funds. Mr. SM Saleem, though he calls himself a doctor, is neither a medical or dental doctor nor a holder of a Phd. degree. His title is only a facade to lend himself stature.

Mr. SM Saleem's reputation, as an individual, is questionable. He allegedly developed illicit relations with a number of female students/employees of his computer company and later blackmailed them. Two cases of rape/sexual abuse were registered against him in Cantt Police Station, Rawalpindi.

A lady Ms. Nasreen Ishaque, employed at his office, reportedly became pregnant and Mr. SM Saleem had to marry her in 1997. Later, his first wife pressured him to leave Nasreen Ishaque. He resorted to threats/blackmailing Nasreen Ishaque and her father. He filed a petition in the court of Senior Civil Judge against Nasreen Ishaque accusing her of misappropriation of funds. On 27 August 1998, Mst. Nasreen Ishaque lodged an FIR in Cantt Police Station Rawalpindi, accusing Mr. SM Saleem of rape. On 28 August 1998, Mr. SM Saleem sold his computer company to one Mr. M. Jehan Zeb for Rs.150,000/-.

Despite the dubious credentials of his NGO, the Government has not initiated any cases against it. He has, however, been taken to court by individuals affected by his illegal activities which included blackmail, as is apparent from information provided above.

The cases are under sub-judice.

Comments.

The Government believes that this communication is not admissible under 1503 procedure as:

- It relates to a single incident and does not establish a reliably attested pattern of gross and systematic violations

of human rights.

- Legal cases have been filed by the second wife. These are sub-judice.

- Domestic remedies are, therefore, available and have not been exhausted.

TUNISIA

(Re: TUNISIA/TUNI 1545)

[Original: French]

The Permanent Mission of Tunisia at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to its three notes, G/SO/215/TUNI/1246 of 26 May 1998, transmitting a communication dated 31 March 1998; G/SO/215/TUNI/1545 of 31 March 1999, transmitting two communications dated 14 January and 12 February 1999; and G/SO/215/TUNI/1598 of 23 April 1999, transmitting a communication dated 11 March 1999, has the honour to draw its attention to the following:

The Mission considers that these "communications" transmitted by the Observatory for the Protection of Human Rights Defenders are inadmissible inasmuch as the 1503 procedure applies only to the consideration of situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights. The above cases cannot be equated with such situations.

The Mission would like to make the following clarifications:

Mr. Mohamed Ali Bedoui was arrested as a result of committing acts which are offences under current Tunisian law. His arrest, therefore, contrary to the allegations by the above-mentioned non-governmental organization, has strictly no connection with his kinship with Mr. Marzouki.

It should be recalled that Mr. Bedoui is an activist in the illegal "Ennahdha" movement, which extols religious hatred and practises violence. He was arrested in 1993 and prosecuted for participating in clandestine meetings and contributing to illegal fundraising.

On 26 November 1993, the Kebili Court of First Instance gave its judgement in the case, sentencing Mr. Bedoui and his co-respondents to one year's imprisonment for participating in running an illegal organization, to eight months for holding illegal meetings, and to three months for illegal fundraising, together with two years of official surveillance.

On 14 February 1994, the Gabès Court of Appeal upheld the judgement of the Court of First Instance, while reducing the sentence for holding illegal meetings to two months and that for illegal fundraising to one month.

Throughout the judicial proceedings, Mr. Bedoui enjoyed full legal safeguards. He served his sentence in normal conditions which complied with the prison regulations.

On his release, he was required to comply with the judgement sentencing him to two years of official surveillance. However, from 26 April 1996, Mr. Bedoui ceased fulfilling the obligations consequent on this additional penalty.

He was thus tried once more. He admitted that he had been aware that he was subject to an additional penalty of official surveillance, since he had complied with it for a certain period.

On 6 January 1998, the Kebili Cantonal Court sentenced him to six months' imprisonment for refusing to comply with the official surveillance procedures under article 150 of the Penal Code.

Upon appeal by the accused, the judgement was upheld on 19 February 1998 by the Kebili Tribunal of First Instance, ruling as a court of second instance.

On being freed after completing his sentence, Mr. Bedoui once again refused to comply with the court judgement in respect of the remainder of the penalty of official surveillance.

On 12 January 1999, the Kebili Cantonal Court sentenced Mr. Bedoui in correctional case No. 13362 to six months' imprisonment for having once again refused to comply with the official surveillance procedures.

On 11 March 1999, the Kebili Tribunal of First Instance, ruling as a court of second instance, upheld this judgement.

The accused appealed for a judicial review. The case is currently in progress before the Court of Cassation under number 2802.

Furthermore, contrary to the allegations by the author of the two "communications" concerning Mrs. Radhia Nasraoui, the alleged "theft" from her chambers had no connection with her participation in the defence of Khémais Ksila. The latter has had several other lawyers, none of whom has made such claims.

It should be recalled that on 12 February 1998, Mrs. Nasraoui, through her lawyer, presented to the Public Prosecutor at the Tunis Court of First Instance a petition in which she claimed that her chambers had "been subjected to theft by breaking and entering".

On the basis of this complaint, the Public Prosecutor decided to open a judicial investigation into "theft with breaking and entering and damage to others' property" and made the senior examining magistrate responsible for the case.

The latter sent letters rogatory to the Criminal Investigation Department instructing that the affair be investigated.

Its officers visited the premises and carried out the initial reporting and inquiries in the presence of Mrs. Nasraoui.

The investigating officers requested Mrs. Nasraoui to visit the premises of the Criminal Investigation Department in order that they might take a statement from her on the matter. She did not, however, respond to the summons.

Contrary to what has been alleged, the judicial proceedings against Mrs. Nasraoui were initiated as a result of acts she had committed which are classed as offences under current Tunisian law.

It should be recalled that on 21 February 1998, pamphlets emanating from an illegal extremist organization were seized. These pamphlets incited citizens to rebel and to commit disturbances. They also contained defamatory charges against the law enforcement authorities and the law courts.

Investigations into the matter revealed that the pamphlets were prepared as part of a plan intended to provoke anarchy, particularly in the universities, for the purpose of which students were recruited and mobilized by Mr. Hamma Hammami, the husband of Mrs. Nasraoui. It was also established that Mrs. Nasraoui had used her status as a lawyer to make her chambers available for meetings and contacts among the members of this organization and for the publishing of pamphlets.

Based on these factors, a judicial inquiry was opened into the defendants' participation and collusion in activities intended to harm persons and property through intimidation or terror, criminal associations, providing premises for meetings, inciting to rebellion, holding illegal meetings, defamation of the law enforcement authorities and the courts, distribution of pamphlets liable to disturb public order, publication in bad faith of false news with the intention of disturbing public order, and incitement of the population to break the law of the country, under articles 32, 52 bis, 131, 132 and 121 of the Penal Code, articles 44, 49, 50, 52 and 62 of the Press Code and articles 2, 5 and 23 of the Act of 24 January 1969.

On 30 March 1998, the examining magistrate in charge of the case proceeded to examine the accused, Mrs. Nasraoui, in the presence of her lawyers. He decided that she should remain at liberty but was required to continue at the disposal of the law and provisionally forbade her from leaving the Tunis area.

As the accused failed to comply with this court order limiting her movements, she was brought before the Tunis Cantonal Court, which on 15 February 1999 ordered a suspended sentence of 15 days' imprisonment and a fine of 4,800 Tunisian dinars, the equivalent of four United States dollars.

At the hearing on 15 May 1999, the defendant appeared before the Correctional Chamber of the Tunis Court of First Instance, together with the other accused, in the presence of their numerous lawyers. Of the defendants, only Imen Dérouiche, Hind Aroua and Atef ben Rouina were absent. The representative of the government procurator's office requested that the case be adjourned to a later date in order to ensure the presence of all the defendants.

The Court decided to adjourn the case until 19 June 1999, extending the validity of the committal order in respect of all of the defendants in custody and the decision limiting Mrs. Nasraoui's freedom of movement. The hearing of 19 June was postponed to 10 July at the request of the defence because Mrs. Nasraoui was due to give birth.

The Permanent Mission regrets the untruthful allegations made in bad faith about Mrs. Nasraoui, which aim to bring pressure to bear on the cou.ts dealing with the ordinary-law case in which she is implicated.

In the light of the foregoing, the Tunisian Government requests the Working Group on Communications to consider the above-mentioned "communications" inadmissible.

The Permanent Mission of Tunisia at Geneva requests the Office of the High Commissioner for Human Rights to reproduce this reply in full.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
(Re: UNITED KINGDOM 1605)

[Original: English]

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the United Nations (Office of the High Commissioner for Human Rights) and has the honour to refer to their note G/SO 215/1 UK 1605 containing a communication submitted by John Tyers under the 1503 procedure.

Prison conditions

Prison conditions have improved greatly over the last 10 years. Prisoners have constant access to sanitation and are no longer required to share a cell designed for one. The Prison Service has worked consistently to eliminate communal accommodation and has built single occupancy cells in new prison buildings. The Service's long-term aim is that the majority of prisoners should occupy single cells for reasons of safety, security, decency and privacy.

Overcrowding

The Prison Service has no control over the numbers sentenced by the courts to imprisonment. These are unpredictable. Tackling overcrowding nevertheless remains a priority for the Service. Capacity has increased by 12,100 places since 1993 and four new prisons will provide a further 2,600 places by March 2001.

Time spent out of cell

Provisional figures for 1998/99 show that on average prisoners on standard or enhanced regimes spent 10.5 hours unlocked each weekday.

Suicides in prisons

The rate of self-inflicted deaths in prisons in the United Kingdom has risen consistently over the last 15 years although in England and Wales it has moderated a little over the last five years. This is against a background of rising suicide rates among males under 35 in the wider community and it should be noted that large numbers of people entering custody are already at increased risk.

The Government is committed to doing everything possible to reduce the rate of suicide in prisons. The Minister responsible, Lord Williams, chairs regular meetings between the Prison Service and a range of representatives from interested bodies - including Her Majesty's Chief Inspector of Prisons, the Board of Visitors, the Samaritans, the Howard League for Penal Reform, the Prison Reform Trust and Inquest - to discuss ways in which they can work more closely together to this end.

The Prison Service adopted a multidisciplinary strategy, known as Caring for the Suicidal in Custody, in 1994. This is built around a philosophy that regards identification of and care for those at risk as the shared responsibility of all staff. It was designed to achieve a cultural shift away from regarding suicide as a purely medical issue. Its main principles apply equally to all types of prisons and prisoners whether on remand or sentenced. It is based on sound research, kept under regular review and draws on best practice within other organizations.

Specific steps being taken include:

- reintroduction of a suicide awareness bulletin to identify and disseminate good practice;

- reviewing screening and induction processes so that prisoners at risk may be more effectively identified and given appropriate care;

- improving cell design to provide a safer environment.

On 19 May HM Chief Inspector of Prisons, Sir David Ramsbotham, published a report entitled "Suicide is Everyone's Concern". The Director General of the Prison Service, Martin Natey, has set up a Steering Group under the chairmanship of the Director of Security, Elaine Bailey, to consider the recommendations of the report and develop a programme of work in response.

Treatment of prisoners in labour

The Prison Service changed its policy of chaining women giving birth during the term of the last Government. The former Home Secretary announced the change of policy in a statement to the House of Commons on 18 January 1996. There has been no reversal under the present Government.

Detention of the mentally ill

Depending on the gravity of their offence and any risk posed to the public, mentally disordered offenders may be found in secure psychiatric hospitals, Prison Service establishments or the community. A survey of psychiatric morbidity among prisoners in England and Wales conducted in 1997 by the Office for National Statistics on behalf of the Department for Health revealed that around 90 per cent of prisoners sampled showed evidence of at least one of the five disorders - personality disorder, psychosis, neurosis, alcohol misuse and drug dependence - considered in the survey.

The Prison Service is committed to improving services for prisoners with mental health problems who do not meet the criteria in the Mental Health Act 1983 for transfer to hospital and who would otherwise receive care and treatment in the community. The report of the joint Prison Service/National Health Service Executive Working Group on the future organization of prison health care, published on 29 March 1999, recommended that the National Health Service take a greater role in the provision of health care to prisoners, especially those with mental health problems. Lord Williams and Lady Hayman, the Ministers concerned, have announced the setting up of a Joint Prison Health Care Task Force

and a Joint Prison Health Policy Unit to lead and manage the process of change.

Drug taking in prison

The Prison Service published its first anti-drugs strategy in 1995, revising it in 1998 to back up the Government's 10-year strategy for tackling drugs misuse nationwide.

Mandatory drugs testing currently takes place in all prisons. Over the next few years voluntary testing units will be available to all prisoners who wish to prove they are drug free.

Substantial funds are being spent on improved security measures to reduce the supply of drugs entering prison.

The Prison Service has developed a new drug treatment service framework. This will provide an equitable distribution of basic and enhanced/specialist services to meet low-level, moderate and severe drug problems of prisoners. It will be available in all prisons. Detoxification services will also be available in all local prisons and remand centres; and rehabilitation programmes and therapeutic centres will be provided on a national basis.

Fair trial

There may be some misunderstanding of the way in which the Criminal Justice (Terrorism and Conspiracy) Act 1998 operates.

This Act came into force as a direct response to the Omagh bombing incident in which a small group of Irish Republican dissidents showed their determination to disrupt the peace process through continuing violence. It provides that a statement by a senior police officer that an accused person is or was a member of a proscribed organization shall be admissible as evidence against him or her. It also expressly provides, however, that no one may be committed for trial, found to have a case to answer or be convicted solely on the basis of that statement.

It will still be for the court to decide, on the weight and quality of evidence before it, whether a defendant is guilty. He or she will of course be presumed innocent unless and until proven guilty beyond reasonable doubt.

Legal aid is widely available for defendants in criminal trials.

Freemasons in the criminal justice system

There is no evidence that Freemasons exercise an improper influence in the judiciary, the magistracy or the police service. It is, however, a matter of policy that Freemasons in the criminal justice system should register their membership and this is currently being implemented.